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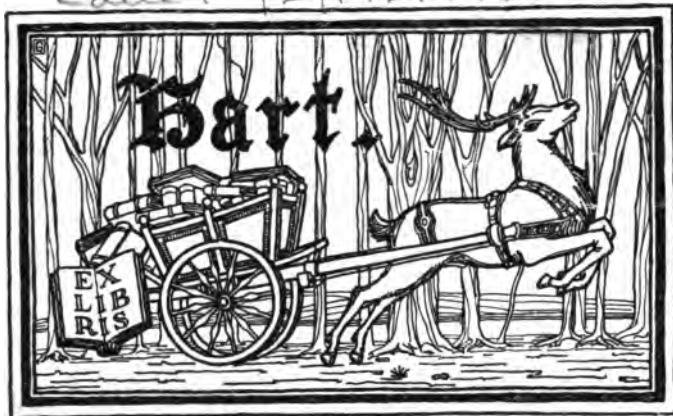
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STATE CAPITOL OF UTAH

CIVIL GOVERNMENT OF UTAH

BY

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INTRODUCTION

A State, according to Woolsey, is a community of persons living within certain limits of territory, under a permanent organization which aims to secure the prevalence of justice by self-imposed laws. The organ of the state by which its relations with other states are managed is the government. So when we speak of the State of Utah we mean the territory, the people, the government, and the laws.

Territory. To be a state a community in these days must have a permanent abode. The boundaries of the territory must be defined with reasonable accuracy. The people who constitute the community must have a settled abode. Wandering tribes like Indians would not be considered a state. People wandering to and fro without a fixed habitat like the Indians could not constitute a state.

The people, with their customs, institutions, and political and religious ideas, make the written and unwritten constitution and laws. In our land, from the Atlantic to the Pacific, our institutions are very similar. This is due to the fact that our people live and think very much the same.

Laws. In state and nation we have two kinds of laws: the fundamental laws, commonly known as constitutions and voted upon by the voters; and the ordinary laws made by the legislatures. Constitutions can generally be

amended or changed only after serious deliberation by the legislature or by a constitutional convention and by a vote of the people. Laws, on the other hand, can be changed by the legislature at its will.

Government. Government is the instrument by which the people express and enforce their will. The voters, by means of the ballot, elect men to represent them in the legislature to make the laws, and also officials to enforce the laws. If we are to have good efficient government, it is very essential that honorable and capable men be elected to represent us in all official positions. An officer of the law is entitled to and should receive respect and support. It is much easier for a good man to secure and retain such respect, and we are almost certain to obtain a better enforcement of the laws.

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CIVIL GOVERNMENT OF UTAH

CHAPTER I

HISTORICAL SKETCH OF UTAH

SPANISH EXPLORERS

At the time of the Spanish Conquest of Mexico (1519) the Pueblo Indians dwelt along the Colorado River in Utah, Colorado, Arizona, and New Mexico. They were more highly civilized than any other of the Indian races of North America, with the exception of the Aztecs and Moyas. They kept flocks of sheep, raised corn, manufactured blankets and other crude articles needed by a primitive people. Their houses were constructed of stone or adobe.

These conditions were so far in advance of the surrounding tribes that exaggerated rumors of their greatness had spread to many tribes. The stories grew in extent as they traveled until they reached the ears of the Spanish rulers far to the south. To them the country became known as the "Land of the Seven Cities," which was rich beyond comparison in silver, gold, and topazes.

The earliest apparently reliable bearer of these tales was Tejos, a Spanish slave, who was the son of an Indian feather dealer. So truthful did his stories appear that Nuño de Guzman, ruler of Spanish America, set out in 1530 with a force of four hundred soldiers and twenty

thousand natives in search of the fertile country and rich people to the north. He had not gone far, however, before the difficulties of the march in the wild country and pathless mountains discouraged his soldiers and wore out the Indians. They all became disheartened and returned to Mexico.

Meanwhile the Indian guide, Tejos, had died, but after Cabeza de Vaca had completed his famous trip from Florida across the continent, he brought to his Spanish countrymen glowing accounts of a civilized people dwelling in houses and large cities near what we know as the Rocky Mountains. As soon as De Vaca and his company reached Mexico, his supposed discoveries were communicated to Mendoza, the viceroy or supreme Spanish ruler of North America, and Mendoza informed Coronado, the governor of New Galicia, one of the northern provinces of what we know as Mexico. Acting upon the advice of the viceroy, Coronado enlisted an army and began a northward march from the City of Mexico to the "Land of the Seven Cities." The road of march lay in a country so rough and dry as to make it almost impossible to complete the journey. Early in August, 1540, however, the land of "Cibola" was reached. This was the point where rumors claimed the location of the "Seven Cities." Imagine, if you can, instead of several cities, a small Indian village containing about two hundred inhabitants.

Coronado with a small band had pushed on ahead of the army. So, at Cibola, now known as Zuñi, in New Mexico, a rest was taken in order for the main army to overtake them. It is at this point that our real interest in the journey begins. During this delay, expeditions were sent out in various directions. One of these expeditions under Pedro de Tabor and Father Padilla proceeded northwest

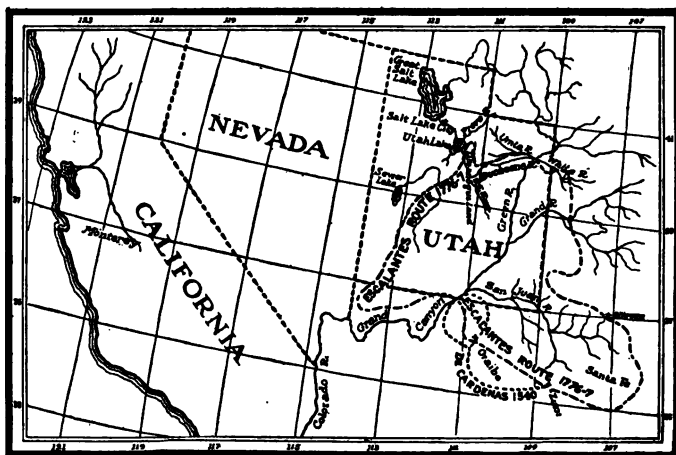
and in five days reached Tuscayan, or the Moqui villages, — villages of Cliff Dwellers, — which were readily captured. From the Moqui Indians they learned of a large river lying to the north and upon their return to Cibola, Tabor and Padilla reported to Coronado what they had heard. Whereupon Captain Garcia Lopez de Cardenas was dispatched with twelve men to explore the new stream. From the Moqui villages Cardenas marched twenty days in a northwesterly direction until he reached a river, since known as the Colorado. Cardenas and his companions were possibly the first Europeans to set foot upon the soil of the present state of Utah.

The gorge of the stream, the Grand Cañon of Colorado, was so deep, however, that it was impossible to reach the bottom of the cañon, so they returned to Tuscayan, and and from there to Cibola. The visit was brief in the extreme and little information was obtained, but it was the first effort of civilized man to learn something of the great intermountain country.

It is a long time from 1540 to 1776, the date of the next expedition that set out to explore the territory now embraced within our state. This attempt was again from the south. Father Junipero Serra in 1770 urged that efforts be made to discover, if possible, a route from Santa Fe, New Mexico, to Monterey, California. It was not, however, until July 29, 1776, that the attempt was made by two priests, Dominguez and Escalante and seven others. Father Escalante was a Spanish priest and a missionary to the Indians. From Santa Fe, their starting point, the small company traveled northwest until they reached Abiquiu. From Abiquiu they went almost directly north to Nieves and from there down the north bank of the San Juan river for some distance, and then turning, the ex-

plorers went directly north to the Grand River. Continuing northward, on the 10th of August, 1776, they camped upon the White River within the present boundaries of the state of Utah.

On the Grand River they found a settlement of the Yutas. From these they tried to secure guides to direct



ROUTE OF DE CARDENAS, 1540, AND OF DOMINGUES AND ESCALANTE, 1776-77

them to the land of Timpanogas, where they expected to find Pueblo towns. The Indians, however, were afraid, and would not provide guides. Signs of buffalo were present and one was killed for food.

From the White River the company journeyed west until it reached the Green River, followed down this stream to within a short distance of the mouth of the Uinta, crossed the Green, traveled westwardly up along the north bank of the Uinta, forded the Duchesne Fork. From this point, with considerable difficulty, the explorers made their

way to the headwaters of the Timpanogas River. This stream was followed until the level country (Land of Timpanogas) surrounding Utah Lake was reached. Father Escalante describes the people and the territory surrounding Utah Lake :—

“North of the river of San Buenaventura (Green River) as we have shown before, there is a range of mountains that, so far as we could learn, extends from the northeast to the southwest more than seventy leagues, and in width more than forty, and where we crossed it is more than thirty leagues. In the western part of these mountains, in latitude $40^{\circ} 49'$, and in a direction a quarter northeast of north of the town of Santa Fe, in the ‘Valley of Our Lady of Mercy of the Timpanogas’ (Utah Valley) surrounded by the peaks of the Sierra, from which flow four rivers, which flow through and water it, until they enter the lake in the middle of it. The plain of the valley extends from southeast to northwest, sixteen Spanish leagues (a league is 2.4 miles) and from northeast to southwest ten or twelve leagues ; it is all clean land and, with the exception of the marshy places along the shores of the lake, very good for planting. From the four rivers that water it the first flows from the south, and is the Aguas Calientes (Carrant Creek), in whose broad plains is sufficient cultivatable land for two large villages. The second, following the first, three leagues to the north, and with more water than the first, could maintain one large and two small villages. This river, before entering into the lake, is divided into two branches, on whose banks are poplars and large alder trees. We named this river San Nicholas (Spanish Fork River). Three leagues and a half from this to the northwest is a river which runs through large plains of good planting land. It has more water than the two preceding

ones ; it has larger groves and plenty of good land, if irrigated, for two or even three large villages. We were near this river the 24th, and the 25th, and we named it Rio de San Antonia de Padua (Saint Anthony of Padua) (Provo River). To the fourth river we did not go, although we saw it. It has on each side of it much level ground. They told us that it had as much water as the others, and so I am satisfied we could establish there some ranches and towns. We named it the river of Santa Ana (American Fork River).

“Aside from these rivers, there are in the plain many pools of good water, and several fountains, which flow down from the mountains. From what we have just said about the settlements, let it be understood that we wish to give to each one more land than he really needs, but if each settlement took only one league for cultivation, there would be room in the valley for as many villages of Indians as there are in New Mexico ; because although in the northerly direction we gave to it the above dimensions (though it has more), on the south it also has large spaces of good ground. There is everywhere good abundant pasturage, and in some parts flax and hemp grow in such abundance that it seems to have been planted.

“The climate here is good, and, having suffered so much from cold since leaving the river of San Buenaventura (Green River), we found this valley very comfortable both day and night. Aside from all these advantages, in the range that surrounds the valley there is plenty of wood and timber, plenty of shelter, water, and grass, to raise herds of cattle and horses ; that is, in the northern, north-east, east, and southeastern parts. In the south and southwest it has two other extended valleys, also with abundant grass and sufficient water. One of these extends to

the lake. It (the lake) is six leagues wide and fifteen leagues long; it extends to the northwest and, as we are told, is connected by a river with a larger lake. This lake of the Timpanogas abounds in many kinds of good fish and in geese and other fowl that we had not time to see.

"The Indians of whom we have spoken live in the neighborhood, and subsist upon the abundant fish of the lake, from which reason the Yutas and the Sabuegnas called them the Fisheaters. They also gather seeds and herbs, and from them make atole (a kind of gruel); they also hunt wild hares, rabbits, and fowls, which are very abundant here. There are also buffalo, not far away, to the north-northwest, but fear of the Comanches hinders these Indians from hunting them. Their dwelling places are huts of cane. From cane they also make curious baskets and other useful articles. They are very poorly clothed; the most decent garment they wear is a jacket of buckskin and moccasins and leggings of the same. For cold weather they have blankets made of rabbit skins; they use the Yuta language, but with a great many changes and accents, and even some foreign words. They are good looking and most of them without any beard. In all parts of these mountains there live a great many of the same people as the Lagunas, with the same language and gentleness, among whom might be formed a province of many large settlements. The names of the chiefs that are in the token spoken of above are in their own language, the Big Chief, being Turu;¹ the second, Cuitza; of the third, which is our Silvestre, Panchu¹ (which means spokesman), who is not a chief, but is a brother of the Big Chief, Pichu.¹

¹ Names in full: Turu Nuanchi; Cuitza Pununchi; Panchu Cumquibirán; Pichuchi.

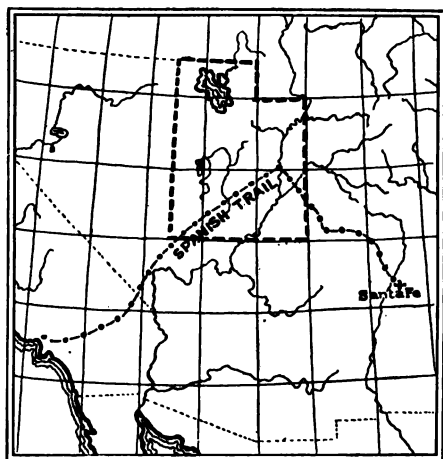
"The other lake that joins this one occupies, as we are told, many leagues, and its waters are very harmful and very salty; the Timpanogas assured us that any one who moistened any part of the body with it would at once feel the part bathed greatly inflamed. They told us that near the lake there lived a tribe very numerous and very quiet, who were called Paua,¹ which in our tongue means sorcerers; they speak the languages of the Comanches; they live on herbs and drink from the many fountains that are near the lake, and their houses are of dry grass and earth. They are not enemies of the Lagunas, as some have said, but since a certain occasion when they killed a man, they have not been so neutral as before. On this occasion they entered by the last pass in the Sierra Blanca de los Timpanogas by a quarter north to the northwest, and by this same pass they say the Comanches enter, but not very frequently.

"Los Timpanogas are so called because of the lake on which they live, which is called Timpanogas (Utah Lake), the name being peculiar to this lake because the ordinary name which they give to any lake is Pagarrori. It is six leagues wide and fifteen long, to the narrow pass and drains into the other lake."

After a few days' rest for man and animals on the borders of the lake, the company thought they must journey on. They felt that they had gone far enough to the northwest and must turn and go southwest to reach Monterey. On September 26, with two Indian guides, the march was begun through the Sevier Lake and River regions. Many of the natives along the way were questioned as to a route to the sea, but they knew nothing. By this time part of the men were tired and wanted to return to Santa Fe;

¹ Name in full: Paua Guampors.

others desired to continue on to the sea. As a means of determining the proper course to pursue, prayer was offered and the answer came that in consequence of the lateness and coldness of the season and the dampness of the weather that it would be impossible to reach Monterey before winter set in and that the company should return



SPANISH TRAIL

to Santa Fe. The idea of going to the coast was, therefore, abandoned. Turning now to the eastward they decided to go by the nearest route possible back to Santa Fe. After traveling a long and circuitous way, the company finally reached the Grand Cañon of the Colorado. Twelve days were spent in unsuccessful attempts to cross the river before a ford was found. Finally a crossing was made at about the point where the southern boundary line of Utah intersects the river. This accomplished, it did not take long to reach the villages of the Moqui or cliff-dwell-

ing Indians and to go from there to Cibola or Zuñi, and from there to Santa Fe.

In the later part of the expedition the party suffered considerably for want of food and water. The Indians supplied small amounts, but not sufficient to feed the men. Game was killed and finally pack horses were slaughtered and eaten to prevent starvation.

Dominguez, Escalante, and their company were the second group of Europeans to visit Utah. They are worthy of our remembrance and gratitude because they revealed to the Old World so much of the New.

HUNTERS AND TRAPPERS

The Spanish adventurers explored the Western world in search of gold and treasure. They did not come to make homes. The Spanish Catholic priests came to convert the Indians to Christianity and to train them in civilization. In the western part of the United States they were the forerunners of the hunters, pathfinders, pioneers, and colonizers. After the Spanish explorers and priests, and before the Anglo-Saxon settlers, came the American, English, and French hunters and trappers. They were rovers and searchers after fur-bearing animals. They undoubtedly explored the largest part of the Rocky Mountains and Western plains, but made no written records or maps of their travels. They went wherever wild game was plentiful. No record of even tolerable completeness exists of their doings in the wilds of western America, and it would be impossible to tell of the wanderings of more than the most prominent.

After 1826, thousands frequented the fur-producing regions. So many, in fact, wandered all over the mountains, and up and down the streams, that it would appear that

the banks of nearly every stream had been the camping ground of white men.

Among the first of those of authentic history to visit Utah was James Bridger. To him, many claim, belongs the honor of discovering the Great Salt Lake. During the years 1824 and 1825, Bridger, together with a company of hunters and trappers, ascended the Missouri River and its branches, and traveled by the South Pass into the Rocky Mountains until they found themselves on the headwaters of Bear River. Following this stream down from its source, they reached Cache, or Willow Valley, where they determined to winter. Bridger was interested in finding the outlet of the Bear River and as a consequence followed it through the mountains until it entered the lake. There was an old map which placed an arm of the ocean extending far inland, and Captain Bridger believed, when he found that the waters of the lake were salty, that he had discovered an arm of the Pacific Ocean. This belief led him to explore the lake in boats in the hope of discovering the ocean. He was disappointed, however, in finding no outlet to the body of salty water. As his boats explored the west side of the lake, where few if any fresh water streams enter, he did not find any beavers. He found few, if any, fur-bearing animals. Later, however, the streams and fresh water lakes of Utah became known as rich grounds for American and British trappers.

Dean Harris says that James Bridger was, in his day, regarded as the greatest scout, the best shot, and the foremost guide and hunter of the Rocky Mountains and the trans-Missouri territory. He spent thirty years among the Indians and was, upon the testimony of Father De Smet, "one of the truest specimens of a real trapper and Rocky Mountain man."

In the spring of 1822 Major Andrew Henry and William A. Ashley of St. Louis organized the Rocky Mountain Fur Company. About one hundred and twenty followers were engaged by the company and left St. Louis for the West. Among these volunteers was a young man by the name of Étienne Provot (pronounced Provo), who started out to trap the mink and beaver of the streams. The company left St. Louis in April, ascended the Missouri until it reached the mouth of the Yellowstone, where a camp was established. The company finally reached the Powder River, from which point Étienne Provot with a small party was sent to explore the southwest. Mr. Chittenden in his book on the "American Fur Trade" tells us that tradition says that late in the fall of 1823 Provot and his men crossed the "South Pass." He further maintains that he was the first white man (American) who penetrated the region of the Great Salt Lake, and traveled on down to Utah Valley. The story runs that Provot (Provo is named for him) and his men were sitting around the camp fire near the mouth of Provo River. An Indian chief named "Mauvaise Gauche" and a small band of his followers visited the white men's camp and desired to smoke with them the pipe of peace. Provot and his men gladly assented, but the chief claimed that the good spirit of the Indians would not be present as long as iron was present. Suiting the action to the word, the Indians set their knives and tomahawks in a pile some distance from the fire. To humor the superstitions of the Indians, the whites did the same, and began to smoke the pipe of peace around the fire.

Suddenly "Mauvaise Gauche" gave a war cry and all at once his men sprang to their feet and began to kill the white men with concealed weapons. The attack was so

unexpected and sudden that seventeen of the trappers were murdered. Provot with four of his men escaped and joined Ashley in the valley of the Green River. From this experience the place became known as Provot's Hole.

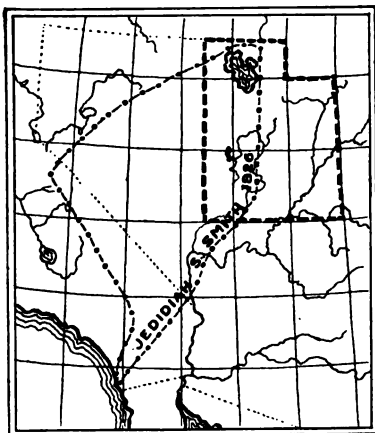
In the spring of 1825 William A. Ashley and a band of followers, with Provot as a guide, left Green River and crossed over to the present site of Provo. There they erected a fort which has since been known as Fort Ashley. The Indians could not be trusted and two years later part of the company returned to St. Louis and brought out six cannon to protect their lives and property. About the same time a Mr. Green, who, two years previous, had been a companion explorer with Ashley, came out and occupied the territory in Utah County to the north and west of the present site of Provo.

For the purpose of fur hunting Ashley's company carried on wide explorations, extending out from Provo in every direction. Visits were made to Sevier Lake, which for years was known as Ashley's Lake. Finally, they returned to Green River, where headquarters of the company had been established. Provot continued in this life of adventure almost until his death. We hear of him again in 1858 in St. Louis telling of the great ravages smallpox was making among the Indians. He died in St. Louis in 1860.

These men were neither settlers nor students of geography, but were hunters and trappers. Their woeful lack of geography is shown, when as bright and intelligent a man as Ashley seriously considered the advisability of preparing boats to sail down the Colorado River to St. Louis.

The great fur companies, besides many small ones, were operating at this time all over the Rocky Mountain region, seeking the very best furs. The two main com-

panies, the Northwest Fur Company and the Hudson Bay Company, finally united and became one. One of their agents was Peter Skeen Ogden, for whom Ogden City was named, who, as purchasing agent, in 1823 secured a large quantity of furs valued at about \$175,000 and stored them on the Green River. The same year Ashley and Henry began to move into Ogden's territory, the Wasatch region.

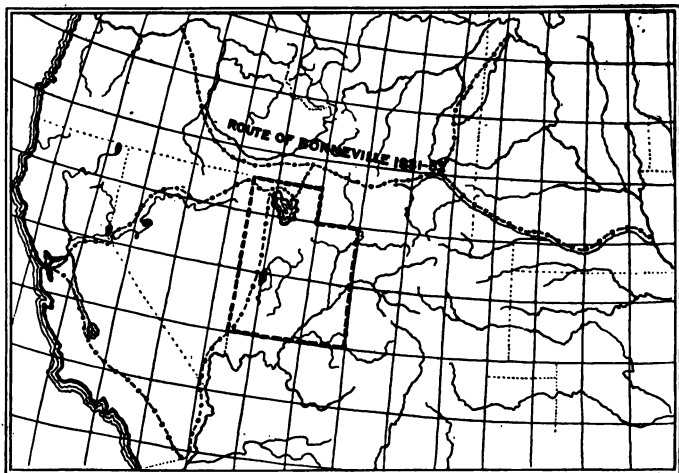


ROUTE OF JEDIDIAH S. SMITH, 1826

Fearing for the safety of his furs, he moved them into a neighboring valley and hid them. The valley has since been named Cache Valley from the French word "cache," meaning to hide. Ashley, however, found the furs, appropriated and sold them in St. Louis.

Information is not obtainable to enable us to follow in full the hundreds of American and British trappers and hunters who traveled over the Rocky Mountains and the Great Basin. A few of the more important ones may be profitably considered.

Jedidiah S. Smith and his company of fifteen men in 1826 traveled down past Utah Lake, along the Sevier River, and on to the Rio Virgin. From there they continued on to San Gabriel's Mission in California. The company wintered in California, and in the summer of 1827 returned to Salt Lake by way of the San Joaquin Valley and the Sierra Nevada Mountains.



ROUTE OF BONNEVILLE, 1831-33

William Wolfskill in 1830 entered the southeast corner of Utah from New Mexico, journeyed northwest until he crossed the Colorado and Green rivers, and then, turning west, continued over the Spanish trail on to Los Angeles by way of the Rio Virgin.

On July 24, 1833, Captain Bonneville ordered a brigade of forty men to set out from Green River to explore the Great Salt Lake. The purpose of the company was to pass entirely round the lake and to make surveys in order

to be able to prepare maps and charts of it. Captain Bonneville made elaborate preparations for this trip of exploration. The territory, now known as Utah and Nevada, lay west of the buffalo belt and had not been as thoroughly explored as the regions lying farther east. Water in the regions lying north and west of the lake was found so scarce that the company was compelled, through suffering, to give up the explorations and to continue on to the Humboldt River, and from there to the coast. Bonneville and his company spent several days among the Sierra Nevada Mountains enduring intense suffering. When they reached California, they found plenty of food and went down to Monterey. It was on the bases of these explorations that Captain Bonneville claimed to be the real discoverer of the lake and endeavored to have it bear his name.

Father De Smet, a Catholic priest, decided to devote his life to the introduction of Christianity among the Indians of the Great Plains and the Rocky Mountains. This meant a life of wandering and adventure. On May 10, 1838, he left St. Louis and started on his first mission to the Indian tribes. In 1840 he began a long journey into the Northwest and the Rocky Mountains to establish a number of missions in these wild regions. Through the editor of the *Precis Historiques Bruxelles* he tells us that "in 1841 I traveled much of this valley (Salt Lake Valley) in my rambles in the Rocky Mountains."

By means of the explorations made on this journey and others he gained a knowledge of, and intimacy with, and a friendship for the Indians and the country which was to last during his lifetime and was to become very valuable to emigrant and pioneer alike. In a letter to his nephew in 1851 he wrote:—

"The Great Salt Lake, which is about three hun-

dred miles in circumference, lies in the northern part of the Great Basin. It is rather shallow in the portions thus far explored; but it is supposed to be very deep in the central parts. The water of the lake is more salty than sea water. Three gallons of it yield a gallon of salt of the greatest purity, whiteness, and fineness. On the northeast of the lake is the termination of the valley of the Bear River. This valley is thirty miles long by twenty-two wide, and communicates with another valley, which is fifty miles by eight (Cache Valley). It is in the first valley, inclosed by picturesque mountains, which has taken the name of the 'Valley of the Mormons,' that their capital stands, called by some Great Salt Lake City, and by others Mormonville. In the fall of 1846, as I drew near to the frontiers of the state of Missouri, I found the advance guard of the Mormons, numbering about ten thousand, camped on the territory of the Omahas not far from the old Council Bluffs. They had been driven out for the second time from a state of the Union. They had resolved to winter on the threshold of the great desert, and then move onward into it, to put distance between them and their persecutors, without even knowing at that time the end of their long wanderings, nor the place where they should once more erect themselves permanent dwellings. They asked me a thousand questions about the regions I had explored, and the valley which I have just described to you, pleased them greatly from the account I gave them of it. Was that what determined them? I would not dare to assert it. They are there! In the last three years Utah has changed its aspect, and from a desert has become a flourishing territory which will soon become one of the states of the Union."

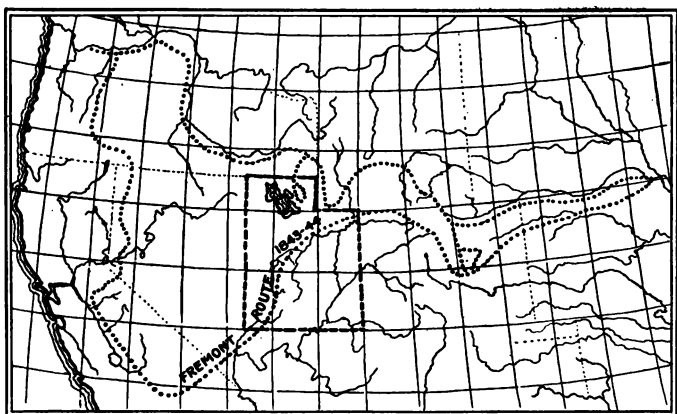
EMIGRATION

The emigration bound for Oregon traveled by way of the South Pass to Soda Springs, Fort Hall, and northwest to Oregon. They did not touch the territory now included within the state of Utah. Those bound for California went through the South Pass, down the Bear into Cache Valley, over the divide into Bear River Valley to about the place where Corrine is now located. From that point they journeyed west through Utah and Nevada to California. Some few companies went by way of Laramie through the South Pass to the Big Sandy River. To avoid a desert stretch, they went down the Big Sandy River to its Junction with the Green River, then up the Black Fork to Fort Bridger. From there they went almost due west by way of Echo Cañon down the Weber Cañon. The companies, headed by Hastings and Donner, had gone over this trail in 1846. The Hastings company had entered in the Salt Lake Valley by way of the Weber Cañon. The Donner company, however, had, instead of going down the Weber Cañon, passed up the Weber southerly from Echo Cañon about twelve miles, then westerly into Parley's Park, then across the hills northerly to the head of Emigration Cañon, and down into the valley.

John Frémont, in 1843, reached Utah by the Bear River trail. This was Captain Bartlett's route in 1841. On the 6th of September he stood on an elevation a little north of the Weber River and beheld the Great Salt Lake. He tried to make himself believe that he was the discoverer of the lake and was in particular the first man to sail on it. The facts were, however, that the lake had been explored when Frémont was a mere boy. He was possibly the

first white man to cross over to one of the islands, where he remained all night.

From Utah he went to Oregon down the coast and back to Utah Lake by way of the old Spanish route. In the following spring, 1845, Frémont, together with his company, again visited the Great Basin. He came up the Arkansas and Green rivers, over the headwaters of Timpanogas, and down to Utah Lake. From there he headed toward Salt



ROUTE OF FRÉMONT, 1843-44

Lake, and camped at a place near where Great Salt Lake City is now located. He explored Antelope Island and the southern part of the lake. The company was then divided into two parts; one followed the southern route, and the other the northern route and proceeded on to California.

Frémont says of the Great Basin: "Taking leave at this point of the waters of the Bear River and of the geographical basin which incloses the system of rivers and creeks which belong of the Great Salt Lake . . . I can

say of it that the bottom of this river and some of the creeks which I saw form a natural resting place for travelers now, and in all time to come. The bottoms are extensive; water excellent; timber sufficient; soil good and well adapted to the grains and grasses suited to such an elevated region. A military post and a civilized settlement here would be of great value, and cattle and horses would do well where grass and salt so much abound. The lake would furnish exhaustless supplies of salt. All the mountain sides here are covered with a valuable nutritious grass, called bunch grass, from the form in which it grows, which has a second growth in the fall. The beasts of the Indians are fat upon it. Our own found a good substitute; and its quantity will sustain any amount of cattle and make this truly a bucolic region." — *Frémont's Report of His Explorations*, 1842, 1843, 1844.

By this time people of the East possessed considerable general knowledge of the West. Societies were formed in the Eastern and Middle states to provide emigration to Oregon and to California.

The Annals of San Francisco, pp. 85, 86, published by D. Appleton & Co., says: "As early as 1837 several societies were formed in the American states to promote emigration to Oregon and California. In the following years, and particularly in 1843, 1844, 1845, and 1846, many thousand emigrants journeyed across the Rocky, or Snowy, Mountains, enduring much suffering by the way, to settle in California and the adjacent territory of Oregon."

In the years from 1843 to 1846 thousands of emigrants crossed the Rocky, or Snowy, Mountains to settle on the Pacific coast. Some of the earlier emigrants during the first season did not get beyond Bear or Humboldt rivers, where they were compelled to winter; later companies

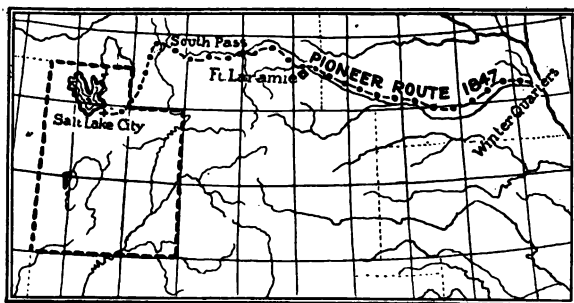
succeeded in reaching Oregon or California in one summer. The first company to complete the trip in one season probably was Dr. Townshend, in 1844. Bancroft tells us that in 1843 there were twenty thousand men and women on the frontiers making final preparations for the transcontinental trip. The procession began in May and from then until the beginning of June the trail presented one long line of trains and pack animals from the starting point to Fort Laramie. Four hundred and fifty-nine teams were counted in nine miles. At night there were camp fires as far as the eye could reach. — *History of California* by H. H. Bancroft, Vol. VI, p. 146.

PIONEERS

So far, this narrative has dealt with men who possessed only a passing interest in the future state. They were trappers, hunters, explorers, not home seekers. The men who had visited these regions were in pursuit of furs or game; adventurers in search of gold or treasures; or emigrants journeying to California or Oregon. In the spring of 1847, under the leadership of Brigham Young, a body of men and women, who had been driven from their homes, journeyed westward in search of suitable territory on which to build homes and to make a living. The company numbered one hundred forty men and three women. The equipment consisted of teams and seventy-three wagons loaded with food, grains, farm implements, and other necessities required for pioneering. The route lay along the North Platte River. Early in June the company reached the Black Hills by way of Fort Laramie. Here a rest of two or three days was made until ferryboats could be built to cross the Platte River. The

route followed was a little north of the Oregon trail. By the latter part of June the South Pass was reached and then, skirting the Colorado desert, they came to the Green River, which they forded and traveled down the right bank and over a sandy plain to Black Fork. After crossing several small streams to the westward, the company, on July 7, finally reached Fort Bridger.

At this point Brigham Young and several members of the company were stricken with mountain fever. Orson



ROUTE OF PIONEERS OF 1847

Pratt and Erastus Snow, however, with a strong company were ordered to move forward as rapidly as possible. They explored Echo Cañon to see if Donner's trail across the mountains was open. Weber Cañon, the route usually followed by emigrants crossing directly into the Basin, was impossible on account of high waters. The advance company traveled down the Weber Cañon for about four miles, until Donner's trail was reached, then, following this trail over steep hills and rugged ravines, they reached the head of Emigration Cañon. Down this rough gorge the pioneers, divided into three sections, slowly made their way. Much of the road had

to be made before the teams could pass over it, although it had been previously traveled. On July 24, 1847, the main body of the pioneers entered the Salt Lake Valley, which had been previously explored by two of their members, Erastus Snow and Orson Pratt.

Over three centuries had elapsed since the first white man made his way into the territory to be known as Utah. Each company in its turn had come and gone. The Spanish explorers came to seek gold and treasure; the American trappers and hunters, to obtain game and furs; but the pioneers, to build homes and to cultivate the soil. They thereby became the real founders of the commonwealth, and the establishers of government.

CHAPTER II

THE GOVERNMENT BEFORE STATEHOOD

Spanish Colonial Government. — Thus far we have considered only the explorations of the early adventurers and the pioneers, but the purpose of the book is a study of the governments before and after the advent of statehood in Utah. As the Spaniards conquered the natives they attempted to establish settlements and governments in the different territories. In 1511 Ferdinand established a council to conduct the affairs of the Spanish-American colonies, called the Council of the Indies. Charles V remodeled and improved the body. It possessed jurisdiction over every department of government in Spanish America; framed all the laws and regulations for the colonies; made all appointments reserved to the crown; and all officers from the highest to the lowest were accountable to the "Council of the Indies" for their conduct. The king was supposed to be present at all meetings, which, by law, were to be held where he resided. It required a majority of two thirds of this body to enact any law for the king's distant American subjects. This body was also the court of final appeal for all colonial questions. It was generally known as the Court of Audience, or the Audiencia. The theory of government held in Spain at that time was that all territory and all political and civil authority centered in the king, wholly independent of the colonists or the Spanish nation.

The Spanish possessions in America were divided at first into two, and then into seven, governments, four vice-royalties and three captain-generalcies, that directly represented the king. For executive purposes over each general division there was a viceroy or a captain-general. The authority of the viceroy in civil, military, and criminal matters was as supreme as that of the king. Each of the general divisions was divided into several provinces, over each of which presided a governor. Both the viceroy and the governor were appointed directly by the king and the Council of the Indies, but the governor was subject to the viceroy in almost everything. The governor frequently exercised civil and military authority. If, however, there was a military officer in the province of the rank of a "commandant," he exercised military control.

For administrative purposes the provinces were divided into departments, at the head of each of which was a delegate of the governor.

The supreme judicial authority was vested in the Court of the Audience (Audiencia) in Spain, but an inferior court of similar authority was provided for each province.

The number of judges varied according to the population and the business of the province. The governors and the delegates of the governors were authorized to exercise judicial authority. In no department or division of government was there the least semblance of popular rule.

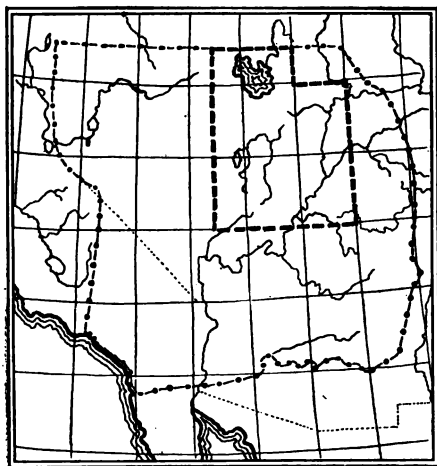
Territorial Government.—When the pioneers entered the Great Salt Lake Valley, July 24, 1847, it was Mexican territory and theoretically was under the control of the Spanish provincial government of California; practically, however, it was devoid of civil authority. No attempt had, at any time, been made to exercise any police control

over this region. About this time the United States was engaged in a war with Mexico, and as a result of the treaty of peace of Guadalupe-Hidalgo, February 2, 1848, between the two nations, the vast territory now embraced within the states of California, New Mexico, Arizona, and Utah was ceded to the United States. From the conclusion of the treaty until September, 1850, there was not even, theoretically, any pretense at civil authority, owing to the failure of the United States to enact legislation to establish some form of territorial government. The neglect of the federal government was due in the main to the ignorance of the true conditions. Many members of Congress believed that the newly acquired territory was a wild, barren desert unfit for the habitation of man.

The pioneers, like other frontier people, were left to care for themselves, and as they were an intensely religious people, church government controlled in civil affairs for a period of two years. Police and peace officers, as well as assessors and collectors of taxes, were elected at the religious conferences of the people.

A call was issued early in 1849 by residents of Salt Lake City and addressed "to all the citizens of that portion of Upper California lying east of the Sierra Nevada Mountains" to meet in convention. The convention convened in Salt Lake City early in March and decided to petition Congress for a territorial form of government. Later in the same month a numerously signed memorial was forwarded to Washington asking Congress to pass the necessary legislation to provide a government. The new territory was to be known by the name of "Deseret" and to include all that vast region extending from Oregon, on the north, to Mexico, on the south; and from the watershed of the Rockies, on the east, to the Sierra Nevada, on

the west, embracing, as it did, a considerable portion of the seacoast of southern California. A temporary government was to be organized pending the action of Congress. The convention elected a committee to prepare a constitution which was adopted upon its recommendation. The preamble of the document said it was to remain in force "until the Congress of the United States shall otherwise



PROPOSED STATE OF DESERET, 1849

provide for the government of the territory hereinafter named and described by admitting us into the Union."

The constitution of the provisional government provided for the election of a governor; for a legislature composed of two houses, the Senate and the House of Representatives, and for a supreme court, and for the establishment by law of all necessary inferior offices. The seat of government was to be Salt Lake City. The first legislature to meet under this provisional constitution met and decided

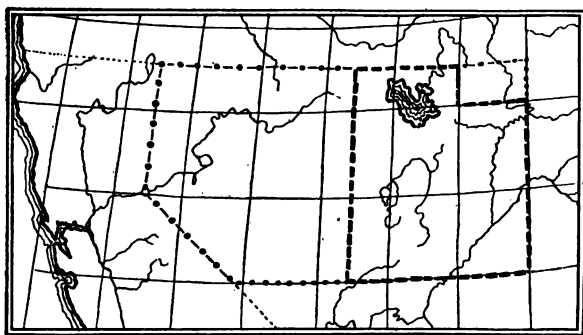
to proceed immediately to the organization of a state government and to ask Congress to admit the new state into the Union under the name of "Deseret."

A new memorial embodying these ideas was at once prepared and adopted by the legislature and forwarded to Washington. The boundaries of the new state were to be the same as those already decided upon for the territory. Mr. Alman W. Babbitt was elected a delegate to Congress. The proposed state was to have three departments, executive, legislative, and judicial. The constitution followed closely the regular American form and was very similar to the present organization of our state, which will be described in detail. It was adopted by the legislature, July, 1849, and in addition was signed by several private individuals. It had been customary when the legislature made a constitution to have that body adopt it or to submit the question of its adoption to the people upon a vote. The document was now forwarded to Congress with a request that the state be recognized. Congress, however, refused to act favorably and admission was denied.

The next move was to secure the admission into the Union as one state the territory now embraced in the states of California, Arizona, New Mexico, and Utah. It was to be later divided into two states. This procedure was acceptable to the people of Utah, but was rejected by the people of California as being impracticable. President Zachary Taylor favored the plan as a means of avoiding the slavery controversy. (We can now see that the region is altogether too large for one or even two states.)

Up to this time Congress had done nothing and Utah was living under its own provisional constitution. In September, 1848, California followed the example of her neighbor to the east and established a civil government. These

two acts, together with several others led to the great Compromise of 1850. Through it California was admitted into the Union as a state, and the remainder of the Mexican cession was divided into two territories and each was given a territorial form of government. The northern part became known as the territory of Utah, and the southern part as the territory of Mexico. The act creating the territory of Utah described it as follows: All that territory extending



TERRITORY OF UTAH, 1850

from the 37th parallel to the Oregon boundary and from the Rocky Mountains to the Sierra Nevada, including as it did parts of the present states of Wyoming and Colorado and all of Utah and Nevada. The organic act created the offices of governor, secretary of state, and territorial judges. All appointments to fill these offices were to be made by the President of the United States. A territorial legislature consisting of two houses, the Territorial Council and the House of Representatives, was established. The members of both legislative bodies were elected by voters of the territory. Brigham Young was appointed the first governor with authority given him by the organic laws, to

fill temporarily all appointive offices until such time as the President was prepared to act.

On April 5, 1851, the general assembly of the provisional state of Deseret was dissolved, and on the first day of July, 1851, a proclamation was issued by the governor, ordering an election to be held on the first Monday in August for the election of members of the legislature and a delegate to Congress.

For forty-five years Utah lived and operated under the organic law of 1850. Attempts were made in 1849, 1856, 1862, 1872, 1882, 1887 to secure admission into the Union, but they all resulted in failures. Finally, conditions were such that Congress acted favorably. On December 8, 1893, a bill for the admission of the territory was reported favorably from the House Committee on Territories. It was considered for three days in the House of Representatives, and passed December 13, 1893. The measure was then sent to the Senate, where it was committed to the Committee on Territories which reported favorably with a few amendments. July 13, 1894, the bill passed the Senate and became a law upon the approval of President Cleveland, July 16, 1894. It is commonly known as the Enabling Act.

The law authorized the citizens of the territory to elect delegates to a constitutional convention to be held in Salt Lake City on the first Monday in March, 1895, for the purpose of framing a constitution for the new state. The convention convened as provided and prepared the present state constitution. At the November election, 1896, a majority of the voters of the state voted in favor of the Constitution. Officers for the proposed new state were elected at the same time, so that if the constitution became effective, another election would not be necessary. President Cleve-

land, on January 4, 1896, issued a proclamation announcing the result of the election, and declaring that all the provisions of the Enabling Act had been fulfilled. Utah then became a state. With this brief historical sketch we come directly to a study of the government of the state.

CHAPTER III

STATE GOVERNMENT

EVERY American citizen lives under two governments, the federal and the state. The federal aims to deal with affairs which pertain to the nation as a whole; and the state, with the many affairs which pertain to the local state interests. It was from the states that the federal government received the idea of organization. This, in fact, is so true, that we find very few things in the Constitution of the United States which had not been previously tried out in the states or colonies. No doubt that is the reason why it has proved so workable.

So well, however, do these two governments, state and national, harmonize, that we are often at a loss to know the particular work allotted to each. In defining the field belonging to each, perhaps nothing better could be done than to quote from "The State" by Woodrow Wilson:—

"Legislative Powers of the Union.—The Constitution of the United States grants to Congress first of all the power to lay and collect taxes, duties, imposts, and excises for the support of the government of the Union, the payment of its debts, and the promotion of the common defense and welfare, and also the power to borrow money on the credit of the United States; but these powers of taxation and borrowing belong also to the states, except that they must raise their revenues without resort to duties, imposts, and excises, the privilege of imposing these being reserved to the Union exclusively. The powers which distinguish the general government from the governments of the states

are not these powers of raising money, but these others : To control the monetary system of the country, to maintain post offices and post roads, to grant patents and copyrights, to deal with crimes committed on the high seas or against the law of nations, to shape the foreign relations of the country, to declare war and control the military forces of the nation, and to regulate commerce both with foreign countries and among the states. It is empowered, also, to establish uniform rules of naturalization and uniform laws concerning bankruptcy; but these powers do not belong to it exclusively. In case Congress does not act in these matters, the states may adopt laws for themselves concerning them. All the powers of the general government are plainly such as affect interests which it would be impossible to regulate harmoniously by any scheme of separate state action, and only such; all other powers whatever remain with the states.

"Powers left with the States. — Compared with the vast prerogatives of the state legislatures, these limitations seem small enough. All the civil and religious rights of our citizens depend upon state legislation; the education of the people is the care of the states; with them rests the regulation of the suffrage; they prescribe the rules of marriage, and the legal relations of husband and wife, of parent and child; they determine the powers of masters over servants and the whole law of principal and agent, which is so vital a matter in all business transactions; they regulate partnership, debt and credit, and insurance; they constitute all corporations, both private and municipal, except such as specially fulfill the financial or other specific functions of the federal government; they control the possession, distribution, and use of property, the exercise of trades, and all contract relations; and they formulate and

administer all criminal law, except only that which concerns crimes committed against the United States, on the high seas, or against the law of nations. Space would fail in which to enumerate the particular items of this vast range of power; to detail its parts would be to catalogue all social and business relationships, to set forth all the foundations of law and order.

“A striking illustration of the preponderant part played by the state law under our system is supplied in the surprising fact that only one out of the dozen greatest subjects of legislation which have engaged the public mind in England during the present century would have come within the powers of the federal government under the Constitution as it stood before the war, only two under the Constitution as it stands since the addition of the war amendments. I suppose that I am justified in singling out as these twelve greatest subjects of legislation the following: Catholic emancipation, parliamentary reform, reform of municipal corporations, the repeal of the corn laws, the admission of the Jews to Parliament, the disestablishment of the Irish church, the alteration of the Irish land laws, the establishment of national education, the introduction of the ballot, and the reform of the criminal law. Of these every one except the corn laws and the abolition of slavery would have been under our system, so far as they could be dealt with at all, subjects for state regulation entirely; and it was only by constitutional amendment made in recognition of the accomplished facts of the war that slavery, which was formerly a question reserved for state action, and for state action alone, was brought within the field of the federal authority.

“Non-constitutional Provisions in State Constitutions. —
One of the most characteristic circumstances connected

with our state law is the threatened loss of all real distinction between constitutional and ordinary law. Constitutions are in their proper nature bodies of law by which government is constituted, by which, that is, government is given its organization and functions. Private law, the regulation of the relations of citizens to each other in their private capacities, does not fall within their legitimate province. This principle is fully recognized in the construction of our federal Constitution, which is strong and flexible chiefly because of its great, its admirable, simplicity, and its strictly constitutional scope. But constitution making in the states, especially in the newer states, has proceeded upon no such idea. Not only do the constitutions of the states go very much more into detail in their prescriptions touching the organization of government; they go far beyond organic provisions and undertake the ordinary, but very different, work of legislative enactment. They commonly embody regulations, for example, with reference to the management of the state property, such as canals and roads, and for the detailed administration of the state debt; they determine the amounts and sorts of property which are to be exempt from seizure for private debt; they formulate sumptuary laws, such as those forbidding the sale of intoxicating liquors; at a score of points they enter without hesitation or restraint the field usually reserved for the action of legislative bodies."

QUESTIONS

1. Name the governments you live under.
2. Why is it necessary to have more than one government?
3. What are the duties of the state?
4. What are the duties of the federal government?
5. Which government should concern us most?
6. Which government does concern us most?

CHAPTER IV

GOVERNMENT OF UTAH

INTRODUCTION

Preamble. — The Preamble of the State Constitution is the enacting clause and gives the reason why the state constitution was ordained and established. It reads as follows: "Grateful to Almighty God for life and liberty, we the people of Utah, in order to secure and perpetuate the principles of free government, do ordain and establish this constitution."

For more than a century makers of constitutions have placed somewhere in the document a Bill or Declaration of Rights. It is supposed to contain the fundamental principles of human liberty, which are essential to a free government. In this state, as in other states, they embody the rights and privileges reserved to the people and are expected to endure forever. They embrace the right to enjoy life and liberty; to acquire property; to worship God according to the dictates of conscience; to assemble peacefully; to protection against wrongs; and to petition for redress of grievances; to communicate freely to others, being responsible for the abuse of this right; the right to bear arms; the privilege of the writ of habeas corpus; the right of reasonable bail; a fair trial and a usual punishment and other generally accepted rights. Most of these rights have come down to us from Great Britain through the Constitution of the United States. They were placed

in the first amendments to the Constitution of the United States because the founders of this nation felt it necessary to preserve the rights which our English ancestors had wrung from unwilling rulers and bequeathed to us.

State Bill of Rights. — “All men have the inherent and inalienable right to enjoy and defend their lives and liberties; to acquire, possess, and protect property; to worship according to the dictates of their consciences; to assemble peaceably, protest against wrongs, and petition for redress of grievances; to communicate freely their thoughts and opinions, being responsible for the abuse of that right.

“All political power is inherent in the people; and all free governments are founded on their authority for their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require.

“The state of Utah is an inseparable part of the federal Union and the Constitution of the United States is the supreme law of the land.

“The rights of conscience shall never be infringed. The state shall make no law respecting an establishment of religion or prohibiting the free exercises thereof; no religious test shall be required as a qualification for any office of public trust or for any vote at any election; nor shall any person be incompetent as a witness or juror on account of religious belief or the absence thereof. There shall be no union of church and state, nor shall any church dominate the state or interfere with its functions. No public money or property shall be appropriated for, or applied to, any religious worship, exercise, or instruction, or for the support of any ecclesiastical establishment. No property qualifications shall be required for any person to vote or hold office, except as provided in this constitution.

"The privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it.

"The people have the right to bear arms for their security and defense, but the legislature may regulate the exercise of this right by law.

"No person shall be deprived of life, liberty, or property, without due process of law.

"All prisoners shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption strong.

"Excessive bail shall not be required; excessive fines shall not be imposed; nor shall cruel and unusual punishments be inflicted. Persons arrested or imprisoned shall not be treated with unnecessary rigor.

"In capital cases the right of trial by jury shall remain inviolate. In courts of general jurisdiction, except in capital cases, a jury shall consist of eight jurors. In courts of inferior jurisdiction a jury shall consist of four jurors. In criminal cases the verdict shall be unanimous. In civil cases three fourths of the jurors may find a verdict. A jury in civil cases shall be waived unless demanded.

"All courts shall be open and every person, for an injury done to him in his person, property, or reputation, shall have remedy by due course of law, which shall be administered without denial or unnecessary delay; and no person shall be barred from prosecuting or defending before any tribunal in this state, by himself or counsel, any civil cause to which he is a party.

"In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his behalf, to be con-

fronted by the witnesses against him, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, and the right to appeal in all cases. In no instance shall any accused person, before final judgment, be compelled to advance money or fees to secure the rights herein guaranteed. The accused shall not be compelled to give evidence against himself, a wife shall not be compelled to testify against her husband, nor a husband against his wife, nor shall any person be twice put in jeopardy for the same offense.

“Offenses heretofore required to be prosecuted by indictment, shall be prosecuted by information after examination and commitment by a magistrate, unless the examination be waived by the accused with the consent of the state, or by indictment, with or without such examination and commitment. The grand jury shall consist of seven persons, five of whom must concur to find an indictment; but no grand jury shall be drawn or summoned unless in the opinion of the judges of the district, public interest demands it.

“The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, particularly describing the place to be searched, and the person or thing to be seized.

“No law shall be passed to abridge or restrain the freedom of speech or of the press. In all criminal prosecutions for libel the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives,

and for justifiable ends, the party shall be acquitted; and the jury have the right to determine the law and the fact.

"There shall be no imprisonment for debt except in cases of absconding debtors.

"All elections shall be free, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers, in time of war, may vote at their post of duty, in or out of the state, under regulations to be prescribed by law.

"No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts shall be passed.

"Treason against the state shall consist only in levying war against it, or in adhering to its enemies or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act.

"The military shall be in strict subordination to the civil power, and no soldier in time of peace, shall be quartered in any house without the consent of the owner; nor in time of war except in a manner to be prescribed by law.

"Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within this state.

"Private property shall not be taken or damaged for public use without just compensation.

"No law shall be passed granting irrevocably any franchise privilege or immunity.

"All laws of a general nature shall have uniform operation.

"This enumeration of rights shall not be construed to impair or deny others retained by the people.

"The provisions of this constitution are mandatory and

prohibitory, unless by express words they are declared to be otherwise."

Citizenship.—The state government is established for the benefit of every one who lives under it whether they are citizens or not, but only citizens are entitled to its privileges. The Supreme Court of the United States has defined citizens as follows: "Citizens are members of the political community and who have established, or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as their collective rights." All persons born in the United States are citizens. Foreigners of almost any nationality except Japanese and Chinese, may become citizens by a residence of five years and a declaration of allegiance. A preliminary declaration must precede the final declaration to the government by at least two years. The Fourteenth Amendment to the Constitution of the United States reads as follows: "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and the state wherein they reside." By this article you will see that every citizen owes allegiance and obedience to both the state in which he lives and the nation. Japanese and Chinese born in the United States are citizens.

All citizens, however, do not participate in the control of the government. Only those who vote may be said really to participate. They are frequently called electors. In this state all citizens over twenty-one years of age are entitled to vote except idiots, insane persons, or persons convicted of treason or crime. The Board of Pardon may restore the franchise to convicts. Before any one can enjoy this privilege, however, he must have been a resident of the state for one year, of the county for four months, and of the precinct for sixty days next preced-

ing an election. Because a person is too young to vote, it does not mean that he is not a citizen.

Form and Departments of Governments. — The Constitution of the United States in Section 4, Article IV, guarantees to every state a republican form of government; that is, a form of government where the civil affairs of the state are administered by representatives elected by the people. Every state of the Union has so far complied with these conditions.

In all state constitutions, following the example of the federal Constitution, the powers are divided into departments; viz. the legislative, the executive, and the judicial. The constitution of Utah follows the same general principles. In the same spirit it aims to make each department as nearly independent of the others as possible. The object in thus separating the department which makes the laws from the departments which execute or interpret them and *vice versa* is to provide a check of one department upon another.

In order to carry this provision into effect, as far as possible, the state constitution forbids any person serving in two departments at the same time.

QUESTIONS

1. Why is the Preamble to a constitution called a Bill of Rights or a Declaration of Rights?
2. Why is it necessary to reserve to the people certain fundamental rights?
3. Why should a person have religious liberty and the right of free conscience?
4. Why should a person not be twice put in jeopardy for the same offense?
5. How may a person become a citizen?
6. Why is the government divided into three separate divisions?

THE LEGISLATIVE DEPARTMENT

The legislative department is that branch of the state government which makes the laws, and in a democratic form of government it should be the most important, if the authority given to it is exercised with intelligence, wisdom, and honesty. It is supposed to represent the people directly and enact their wishes into law. When it does not carry out the will of the voters expressed at an election, it fails of its duty. The state constitution provides that a new apportionment of the representation in the legislature shall be made by the legislature at least every ten years. This reapportionment is necessary so that each section of the state be represented according to population. A failure to carry out this provision is a violation of the fundamental law of the state.

The legislature consists of two bodies sitting separately, — the Senate and the House of Representatives.

The Senate. — The state of Utah is divided into ten senatorial districts. Each senatorial district may include one or more than one county. From each district one or more Senators are elected directly by the voters. The aim is to apportion the membership of the Senate of the state among the several districts according to population.

The membership of the Senate cannot, except by constitutional amendment, exceed thirty. At present the number is fixed at eighteen, all of whom are elected for a term of four years. It is so arranged that half of the members retire every two years, thereby securing in each session several men of experience. This is a wise provision, for it makes it possible to begin each session with a number of men acquainted with the business of the state and ready to begin work as soon as the body is organized.

The qualifications of a Senator are that he be a citizen of the United States, twenty-five years of age, a qualified voter, and a resident of the district from which he is elected for one year and of the state three years prior to election.

The Senate elects its own presiding officer, known as the "President of the Senate," and also selects such help as it needs. It possesses coördinate power with the House of Representatives in all matters pertaining to legislation. Bills may originate in either body, but must pass both before they can become laws.

In addition to the foregoing the Senate has the confirming power of most persons appointed by the governor to office. The intent of this provision is to prevent the executive from appointing unfit persons to office. The Senate should not fail to confirm from personalities, but when an appointee is rejected as unfit for a certain office, he should not be allowed to hold it.

It occasionally happens that public officials, such as judges and others, commit such wrongs as to make it necessary to remove them from office. In such cases the House of Representatives brings the charge against the person, and he is tried by the Senate acting as a court. If he is convicted, he is removed from office, and may be further prosecuted criminally, if the offense is a criminal one. Such cases are known as impeachment trials.

House of Representatives. — The forty-five members of the House of Representatives are elected for a term of two years. As before mentioned, there are ten senatorial districts, but twenty-seven representative districts. The constitution provides that each county of the twenty-seven constitutes a representative district, from which one or more representatives are elected. The constitution further

provides that the House of Representatives cannot exceed ninety in membership. A Representative must be a citizen of the United States, twenty-five years of age, a qualified voter, three years a resident of the state, and one year a resident of the district from which he is elected. Any legislative measure may originate in the House and must pass that body before it can become a law. The body is presided over by a speaker, whom the members elect. Wherever a judge or other important public official commits a serious offense, the House of Representatives impeaches or accuses the official thought to be guilty and the Senate tries him. If he is found guilty by a majority of two thirds of the Senate acting as a jury, he is removed from office and denied the right ever again to hold public office. If the offense is of such a nature as to justify it, he may be prosecuted in the criminal courts.

A member of the legislature is prohibited from holding any office which was created, or the salary of which was increased, during the term for which he was elected to the legislature. This provision was placed in the constitution to prevent members creating offices with salaries for their own express benefit.

Sessions. — The legislature convenes on the odd years in regular session. The session opens at noon on the second Monday in January and continues legally for sixty days, but by the fiction of stopping the clock before the end of the sixtieth day, the sessions are often prolonged several days. The governor may call a special session at any time whenever in his judgment the welfare of the state demands it. A special session cannot exceed thirty days in length.

A majority of the members of each house is necessary to make a quorum to do business, but a less number may

adjourn from day to day. All sessions of both houses are public except the executive sessions of the Senate. Each house is judge of the election and qualifications of its own members. A majority may expel a member for cause, or punish him for disorderly conduct.

The president of the Senate and the speaker of the House and all other officers and employees are elected by the house that desires their services. The president of the Senate, in addition to his other duties, becomes acting governor in the absence from the state or, in case of the disability of the governor and the secretary of state. Each house also has the authority to make and enforce all needful rules and regulations for the conduct of its business.

Compensation. — The members of the legislature receive such compensation as the legislature by law may fix, but the pay shall not exceed four dollars per day for sixty days and ten cents per mile for the distance traveled by the usual route going to and returning from the place of meeting unless by amendment of the state constitution. There cannot be any other pay or perquisite.

Privileges. — In ages past when members of the legislature would not vote to suit the kings and rulers they were frequently arrested and imprisoned until they were ready to do as wanted. To prevent such acts in our country, the constitutions of the nation and the states provide for exemptions from arrest during the sessions of the legislature. The constitution of Utah provides that for fifteen days before the opening of the legislative session, during the session, and on the journey home the members of the legislature are exempt from arrest, except in cases of treason, felony, or breach of the peace. Neither can they be arrested for anything said in any speech or debate in

either house. These special privileges may be abused, but they make it possible for members to perform their full duties without interference.

Records. — Both houses are required by the constitution to keep and publish a journal or record of their proceedings. When any measure is up for consideration and a vote is taken, a roll call may be had and the yeas and nays made a matter of record upon the request of five members.

Committees. — For each house as a body to go into each question that comes before it in detail would require so much time as to make it impossible. In order to consider carefully each question which may come before it, each house divides itself, soon after convening, into several permanent committees; so that when a bill or measure is introduced, it is referred by the presiding officer to the proper committee. Each house, if it sees fit, may create special committees. This, however, is seldom done. Neither the constitution nor the laws say anything about committees. The Senate and the House by separate resolutions determine the number and the size of the committees. The members are appointed to the several committees in the Senate by the president and in the House by the speaker or by a committee on committees. This privilege accorded to the presiding officers gives them great power.

Laws. — A measure is known as a bill until it passes both houses and secures the signature of the governor. Then it becomes a law. For convenience all bills originating in the House of Representatives are known as House Bills (H.B.) and those originating in the Senate are known as Senate Bills (S.B.). As it is introduced each bill is numbered consecutively and bears that number throughout its legislative career in both houses, *i.e.* H.B. 25, or S.B. 12.

Any member or committee may introduce a bill or reso-

lution which immediately goes to its proper committee for consideration. The constitution provides that all laws enacted by the legislature must have an enacting clause which reads as follows: "Be it enacted by the legislature of the state of Utah." Laws enacted directly by the people through the Initiative shall have an enacting clause which shall read: "Be it enacted by the people of the state of Utah."

The constitution of Utah was amended in 1900 so as to make it possible for the people to initiate legislation under such condition and in such manner as the legislature shall prescribe. Up to date, however, the legislature has failed to pass the necessary laws to put the scheme into operation. The idea of the Initiative is that whenever a large percentage of the people want some measure to become a law, they may prepare a bill and petition the governor to call an election to vote upon it. If a majority of the voters are in favor of it, it becomes a law, without the legislature or the executive having anything to say about it.

Every bill, before it becomes a law, must be read three times in each house and then receive the assent of a majority of all the members elected to each house of the legislature. When the final vote is taken on any bill it must be by roll call and the responses by "aye" or "nay."

In the days when printing was unknown it was the rule to read all bills two or three times in full before the legislative bodies for information. Now, however, as all bills of importance are printed, it has become customary to omit the first, and sometimes the second, reading in full and read by title only. Where it is read by title only, it is customary to speak of the reading of the bill. As a matter of fact, the reading of any bill is merely a matter of form, for the members are acquainted with it from the printed

copy. A bill may be rejected upon its first reading, though it rarely ever is, but is referred to a committee for consideration. The committee may consider the bill and make a favorable or unfavorable report. It may also "pigeon-hole" it, that is, kill it by delaying its consideration so long that there will not be time to take it up when it is finally reported or not even reported at all. A favorable report may carry with it many amendments,—so many, in fact, that it is frequently impossible to recognize the original bill except by the title. The bill is now placed upon the calendar to await its turn for consideration by the whole body. If it is a special or very important measure, it may be, by special vote, advanced on the calendar or made a special order to receive early consideration at a certain day or hour. When it is finally reached, it is read the second time and is now open for discussion and amendments from the body of the house. At this stage a common practice by those opposed to the bill is to move to strike out the enacting clause. If it is not amended, recommitted, or rejected, it is passed. After a bill passes both houses, it is returned to the engrossing clerk in the house where it originated. There the proper engrossing committee carefully compares the engrossed or copied, bill with the original to see if there are any errors and that it has been correctly and accurately copied into the legislative records. A bill is engrossed, or copied, into the records in one house only.

It frequently happens that a bill passed by one house is amended by the other. The amendments may be accepted by the first house or rejected. If rejected, the difficulty may be adjusted by a joint committee from both houses, known as a "Conference Committee." If the committee is unable to agree, the bill is lost; if the committee agrees

upon a report which is adopted by both houses, the bill is then passed.

When a bill is properly enrolled, it is signed by the speaker of the House and the president of the Senate in open session in the presence of the respective bodies and then forwarded to the governor for consideration. If the governor signs the bill, it then becomes a law. As soon as he signs the bill, he notifies the house in which it originated and files the copy of the law with the secretary of state, who places upon it the great seal of the state. If the governor does not sign the bill, he must return it, together with his objections, within five days, Sunday and the day upon which he received it excepted, to the house in which it originated. This is known as a veto. The objections must be entered in the Journal. A reconsideration may then be had. If, after the reconsideration, the measure again passes both houses with a majority of two thirds in each, it becomes a law without the signature of the governor. If the bill is not returned within five days, it becomes a law if the governor does not sign it. If, however, the legislature adjourns the session before the end of the five days, the governor has ten days. If he vetoes it, he must file his objections with the secretary of state.

The constitution of Utah, being an exception to the rule, gives the governor authority to veto any item in an appropriation bill without vetoing the entire bill. This is an excellent provision. In most states the governor is compelled to approve or reject the whole appropriation measure. This makes possible considerable trading among members for the support of measures they do not favor in order to secure support for some pet project they desire enacted into law. This is known as "logrolling" and is usually a wasteful expenditure of public funds. If the President of

the United States possessed this power, he could save millions to the nation every year.

All laws passed by the legislature go into effect sixty days after adjournment and upon publication unless a future date beyond sixty days is fixed by the law itself. If, however, they are declared to be emergency measures and voted for by two thirds of each house, they go into effect immediately without publication.

Restrictions upon Power of making Laws. — The legislature of the state of Utah has authority to enact laws upon any subject except where prohibited by the laws, treaties, and Constitution of the United States and the constitution of Utah.

The Declaration of Rights of the state constitution provides certain restrictions, and in addition to these certain other limitations specifically mentioned in the constitution proper. The constitution provides that every law shall contain only one subject, which shall be clearly expressed in its title. The purpose of this is to prevent careless legislation and to make it impossible to pass objectionable measures under favorable titles and without notice.

Laws must be general in their purpose. Private laws are forbidden.

QUESTIONS

1. What is the duty of the legislature ?
2. How many Senators are there in the state Senate ? How many Representatives in the House ?
3. What is the term of each ?
4. Why is the term of the Senator longer than that of the Representative ?
5. Is the Senate a "continuous" body and how ?
6. How many of the Senators are elected at once ? How many Representatives ?
7. When and how often does the legislature meet ?

8. Who presides over each body of the legislature and how is he selected ?
9. Who are the present presiding officers ?
10. How many members of each body constitute a quorum to do business ?
11. Why is the governor required to submit the names of his appointees to the Senate for approval ?
12. After the governor submits a name to the Senate and it is rejected, should he then wait until the legislature adjourns and reappoint the same person ?
13. Should the members of the legislature be appointed to any position by the governor during their term of office in the legislature ?
14. Why does each house appoint a great many committees ?
15. If a majority of the committee is against a measure submitted to it, what effect may it have on the passage of the bill ?
16. Why does the constitution provide that laws should be general and not special in their purpose ?

THE EXECUTIVE DEPARTMENT

The legislative body makes the laws ; but the executive department enforces them. The executive department has no right to decide upon the wisdom, justice, or necessity of a law, except so far as the veto power is concerned. That part has been done by the legislature. If it is a law, the executive department should enforce it. If the enforcement of the law shows it to work different from what was expected and to be unwise, then the legislature, when in session, should repeal it. If, on the contrary the executive feels the greatest need for a law to correct certain evils, and the legislature fails to enact it, nothing can be done. If the executive were allowed unrestrained power to make the laws, it would defeat the will of the people and lead to despotism. In our state the chief executive officers include the governor, the secretary of state, state auditor, state treasurer, attorney-general, and superintendent of public

instruction. Although the state constitution designates all of the foregoing officials as executive officers, the most important executive officer is the governor. The others are, except the secretary of state when acting as governor, in large part either advisory or administrative officers.

The Governor. — The governor is elected by the qualified electors of the state for a term of four years. If there are only two candidates for the position, the one receiving a majority of the votes cast is declared elected; if there are three or more candidates, the one receiving the highest number of votes is elected. In case of a tie between the two highest the choice rests with the legislature.

The governor must be thirty years of age, a qualified elector, and a resident of the state five years preceding his election. It is the duty of the governor to see that the laws are strictly enforced; to call out the militia in times of need to maintain order, as by virtue of this position he is commander in chief of the military forces of the state (Utah National Guard) except when they are in the services of the United States. When the legislature convenes, it is his duty to send a message to that body, calling attention to the condition and needs of the state and its institutions and recommending such legislation as he considers necessary. All bills passed by the legislature require his signature before they become laws, unless they are passed over his veto by a majority in each house of two thirds. If, however, a bill is allowed to lie on the governor's table five days, Sundays, holidays, and the day upon which he received it, excepted, it becomes a law without his signature. He is authorized to convene a special session of the legislature whenever the public welfare demands it, and in case of a disagreement between the two houses as to the time of adjournment in a special session he can adjourn them.

With the consent of the Senate he has authority to appoint all state and district officers not otherwise provided for. In case of general state officers he has authority to fill vacancies caused by death or resignation. The appointive power of the governor in respect to the state official positions created by the legislature is very extensive. This is especially true with respect to boards which do state business or control state institutions. The term of the governor is long; and the terms of the members of the several boards are short. It gives an executive power in one term to change completely the policy of an institution. A great number of the states are extending the terms of office of the various boards, so as to make it impossible to bring about a radical change during the administration of any one man. Where the term of office of the boards of management of the state institutions are much longer than that of the executive, if a change of policy in an institution is desired, it would be necessary to choose two or more governors who favored a change.

Board of Pardons. — The power pertaining to pardons and reprieves, usually delegated to the governor, is exercised in this state by a board consisting of the governor, justices of the supreme court, and the attorney-general, known as the Board of Pardons. Temporary pardons or reprieves, in case of necessity, may be granted by the governor. They may remain in effect until the Board of Pardons meets. These apply to prisoners under sentence to the state prison.

Administrative Officers. — As before mentioned, the constitution designates all of the following as executive officers, but they are, in fact, mainly administrative in their duties: secretary of state, state auditor, state treasurer, attorney-general and superintendent of public instruction. They

are elected at the general election the same time as the governor, and their duties are very fully prescribed by law.

Secretary of State. — The secretary of state is elected for a term of four years and is eligible for reelection. In case of absence from the state, inability, death, or resignation of the governor, he becomes the acting governor. The secretary is the official record keeper of the state. He must keep an enrolled copy of the constitution of the state and all laws, resolutions, memorials, and petitions acted upon by the legislature. In addition he is the keeper of the great seal of the state, and of all books, records, deeds, parchments, maps, and papers deposited in his office according to law. When the governor has placed his signature upon legislative enactments, the secretary is required to place the great seal of the state upon them and to distribute copies of them to certain designated federal, state, and county officials. In addition to the foregoing, he must file in his office all articles of incorporation, and collect all taxes levied upon corporations.

The Auditor. — The state auditor is elected for a term of four years, but the constitution provides that he cannot succeed himself for a second term. He is required to keep account of all state funds, including the receipts, collections, and expenditures of all moneys belonging to the state. All claims must be examined by him before they are paid, to see that they are just and legal. Furthermore, he is required to examine the books of all persons keeping or disbursing public moneys; collect all payments due the state, instituting suit if necessary; furnish the governor a statement of the revenues, expenditures, and funds of the state with an estimate for the future; transmit upon request a similar statement to the legislature; and draw warrants upon the treasury for the payments of state

obligations. He must also record all trade-marks and brands. In fact, he is the official bookkeeper, or accountant, of the state.

The Treasurer. — The treasurer is elected for a term of four years. The constitution provides that he cannot succeed himself for a second term. He is the custodian of the funds of the state. It is his duty to receive all moneys; to keep all funds; to pay all warrants issued by the auditor; to make a record of all receipts and disbursements; and to report to the governor semiannually the condition of the treasury and likewise to the legislature when requested.

The governor is authorized in the case of default, embezzlement, or irregularity in the use or keeping of the funds by the treasurer to suspend him from office, upon the recommendation of the Board of Examiners (governor, secretary of state, and attorney-general). If, after the books have been carefully examined by an expert, the Board of Examiners issues a certificate stating that the funds have been improperly used, the governor is authorized to remove the treasurer and to appoint his successor. The object of this provision is to guard carefully the funds of the state and to see that they are not misappropriated.

Attorney-General. — The attorney-general is elected for a term of four years and is eligible for reelection. It is his duty to prosecute and defend all cases against the state or any officer of the state arising in the supreme court of the state or in any court of the United States; to supervise the work of the county attorneys; to give his opinion free of charge to any state officer, board, or commission; to institute and prosecute cases in the courts of the state or the United States against corporations doing business in the state in violation of the laws. All fees re-

ceived by him must be turned into the treasury of the state. His bond is \$5000.

Superintendent of Public Instruction. — The superintendent of public instruction is elected for a term of four years with no limitations as to the number of terms he may serve if the people see fit to reëlect him. He must be thirty years of age, a qualified voter, a resident of the state for five years preceding his election, the holder of a state certificate of the highest class issued by a state or a graduate of some reputable college, university, or normal school. The superintendent is charged with the general administration of the system of public education and with the general supervision of the (district and high) schools of the state; with the apportionment of the state funds; with the making of a biennial report to the governor as to the conditions and needs of the schools; with calling conventions of city and county superintendents; with the advising of superintendents, school officers, and teachers, as to school management and law. He is chairman of the State Board of Education.

QUESTIONS

1. What is the duty of the executive department ?
2. For what term is the governor elected ?
3. What are the qualifications prescribed for the office ?
4. What is the salary ?
5. When can the governor call a special session of the legislature ?
6. How can a governor veto a bill ?
7. What does the word "veto" mean ?
8. How can the legislature pass a bill over the governor's veto ?
9. In case the governor should die or resign, who would succeed him ?
10. When do we elect the governor ?
11. What other general state officials are elected at the same time ?
12. Name the most important duties of these state officials ? Why are they mainly administrative ?

THE JUDICIAL DEPARTMENT

In modern civilized nations a well-trained and independent judiciary is of primary importance in the development of civil rights. The judges of the Anglo-Saxon race have always gloried in the spirit of fairness and impartiality which has characterized their administration of the law. We Americans have to place by the side of such distinguished jurists as Lords Mansfield and Ellenborough, Chief Justice Marshall. It should be the pride of every state to provide itself with able, independent judges. In fact, judges should not be subject to politics.

"The judicial power of the state," according to the constitution, "is vested in the Senate acting as a court of impeachment, the supreme court, district courts, justices of the peace, and such other inferior courts as may be established by law." In accordance with this provision the legislature has established a supreme court, seven district courts, and courts of justices of the peace and municipal courts.

The supreme court is the highest court in the state. The constitution wisely provides that the number of justices of the supreme court cannot be indefinitely increased; the number cannot exceed five; the purpose of this provision is to prevent an increase of the number of judges for political or partisan purposes, or in order to overcome an unpopular decision.

At present there are three judges, the lowest number allowed. The term is six years. In the election of justices of the supreme court the state is one district, thus all the electors vote for each judge. Of the judges regularly elected the one with the shortest term is chief justice. Two constitute a quorum to do business. Persons to be

eligible to this office must be at least thirty years of age, five years a resident of the state, and a member of the bar.

Jurisdiction of the Supreme Court. — The supreme court has original jurisdiction, that is, legal processes can be begun there, to issue writs of mandamus, certiorari, prohibition quo warranto, and habeas corpus. Each of the justices of the supreme court has authority to issue a writ of habeas corpus when it is asked for by a person confined in a jail or when asked for by any person in his behalf. The justice issuing the writ can make it obligatory that a hearing be had before himself, the supreme court, or a judge of a district court. As a matter of fact, however, practically all the business of the supreme court comes to it upon appeals from the district courts. The supreme court is not supposed, ordinarily, to try a case, but to decide points of law. When cases are appealed to it from the lower courts, it carefully examines them to see if the law has been properly interpreted and also to see if the decision is in accordance with the law and facts. At the time the case is being considered the court listens to arguments presented by the lawyers of both the parties to the case. The arguments may be made orally or in writing. Before this court, ordinarily, no witnesses can be heard or evidence presented. The judgment of the district court may be affirmed, or if the decision is contrary to the law or the constitution, reversed, modified, or a new trial granted in the district court. In any case before the court, the opinion of the majority of the justices is considered the decision of the court. Every decision must be in writing. The judgment of the supreme court is final in all cases which do not involve the laws, treaties, or constitution of the United States. In such cases appeals may be taken to the federal courts.

District Courts. — At present the state is divided into seven judicial districts, each of which elects one judge, except the second judicial district, which elects two, and the third elects five judges. It lies within the power of the legislature to change the size or number of the districts at any time or to decrease or increase the number of judges of any district whenever it sees fit. No change, however, can effect the removal of a judge already elected.

The judges are elected for a term of four years. Each must be twenty-five years of age, learned in the law, a member of the bar, and a resident of the state for three years past preceding the election, and a resident of the district of the state for which he is elected.

The law requires the district court to hold at least three sessions a year in each county of the district. The court has authority to try all civil and criminal cases arising within the district. All cases must be tried within the county where the offense was supposed to have been committed unless a request is made for a change into another county. This is frequently done when it is felt that the public feeling is so strong against the accused that a fair trial cannot be had, in the district where the case was begun.

Often a judge is disqualified to try certain cases. He may have been a legal adviser of one of the parties to the case before he became a judge or in some other way be interested in the outcome of the decision. Under such circumstances a judge from another district may be invited to preside at the trial by the judge of the district. If the governor affirms the request, it becomes the duty of the judge to substitute for the disqualified judge.

In all cases where the state is involved the interest of the commonwealth is represented by the district attorney, attorney-general, or some other state attorney.

The district court has the original authority to try all civil or criminal cases and to dispose of all matters pertaining to the estates of deceased persons, commonly known as probate business, except such as are otherwise provided for by law. It has also the right to hear or retry upon appeal all cases which were begun in the city or justice of the peace courts. It has general supervisory control over the courts of the cities or of the justices of the peace within the district. Any court of a district has authority to issue such writs as are necessary to carry out its orders or decrees or judgments.

In nearly all cases in the district courts juries are employed to decide upon the facts; the law is decided upon by the judge. Appeals lie from nearly all final orders, decrees, and judgments of the district court to the supreme court. The district court is the court which comes nearest to the people. It hears and settles most disputes, and, while appeals are often taken to the supreme court of the state, it is, in the majority of cases, the place where the body of the differences are settled.

District Attorney. — A prosecuting attorney is elected for each judicial district for a term of four years at a fixed salary. The judge in each case with the aid of the jury is to decide a case, when it is brought to his court, but it is the duty of the attorney to look after the interests of the state, prepare the case, and prosecute all civil and criminal cases in which the state is involved; to draw all complaints or bills, appear before grand juries; and to do other state business including such as the attorney-general demands.

Juvenile Courts. — The law provides that the governor, the attorney-general, and the superintendent of public instruction constitute a juvenile court commission with power to appoint a secretary to the commission and a judge

for the juvenile court in each judicial district of the state which contains a city of the first or second class for a term of two years, and also upon the recommendation of the juvenile judge, a probation officer who shall serve during the pleasure of the commission. The duty of the probation officer is to serve the court and to care for the delinquent boys and girls who are under eighteen years of age and of adults who contribute to the delinquency of children under eighteen. This court is one of the modern means adopted to help children and as far as possible prevent their becoming criminals. Juvenile courts should command the service of well-educated men who are intensely interested in the welfare of young folks; not so much a knowledge of law is needed as a knowledge of child life. The aim is to look at things from the point of view of a child and where the minor makes a mistake, to attempt to get him to correct it.

The Trial of Cases in Courts. — A case is a disputed question before a court, commonly called a lawsuit. A trial is the examination of the disputed question before a court with a view of settling it. The person making a complaint before a court is the plaintiff; the opposite party is the defendant.

There are two classes of cases, criminal and civil. Criminal cases are begun in the state ordinarily by the prosecuting attorney, or some other person swearing out a complaint. Formerly, even in criminal cases, the individual injured, or his friends, carried on the proceedings, the state taking no part. A criminal act is regarded as being against everybody and, therefore, is against the state. All cases not criminal are civil.

Crimes are divided into two classes. Those punishable with death or imprisonment in the state prison are called

felonies ; all other offenses against the law are called misdemeanors. Any justice of the peace or judge of the district may issue a warrant for the arrest of any person upon information furnished by the prosecuting attorney or upon the complaint under oath of an individual charging the commission of a felony or a misdemeanor.

When the warrant is issued, it is placed in the hands of an officer for the arrest of the offender. When arrested, he is taken before a justice for a trial or for preliminary hearing to be bound over to a higher court. If the accused is convicted in the justice's court, he can appeal to the district court and in cases involving questions of law, procedure, etc., to the supreme court.

In many serious charges, such as felony cases, the justice has no authority to try them at all, but can grant preliminary hearing, and if the evidence warrants it, bind the defendant over with or without bail to appear before a higher court. In cases of murder bail is generally not allowed, but the person is committed to jail until a trial is had.

When a case comes before a court for trial, the defendant may move to dismiss or set aside the complaint made against him. If the court overrules the motion, the defendant is required to go on trial. The charge is read in open court to him and he is requested to plead "guilty" or "not guilty." If he pleads "guilty," he can be sentenced at once for the offense, and if "not guilty," a day is set to go to trial. In case the defendant is too poor to employ an attorney, the judge may request any attorney practicing in the court to defend him. The state is represented by the prosecuting attorney. Every criminal action must be tried publicly in the county where the offense was committed unless there is good reason to believe that a fair trial cannot be obtained. The case can be tried by a jury

upon the request of either party. The defendant and the prosecution can, upon agreement, submit the case to trial before the judge only.

When it comes to a trial by jury, it sometimes requires the examination of a long list of persons before an impartial body of men can be obtained. Many persons are excused by the judge because of knowledge and conviction on the case. A certain number of jurors can be objected to without assigning any reason. After the jury is impaneled and sworn, the state, through the prosecuting attorney, presents its side of the case and brings witnesses to support it. The defendant then may offer testimony to refute the charges made against him.

After all the evidence for and against the defendant has been introduced, the attorneys sum it up for their respective sides. The judge gives the jury instructions pertaining to the law and it now retires to arrive at a verdict. When it reaches a verdict, notice is sent and the jury comes before the court, where the verdict is read to the accused. If the verdict is "not guilty," the defendant is released; if "guilty," he is held for sentence by the court.

The defendant may find new evidence and ask for a new trial, which, if the court sees fit, it may grant. If the new trial is not granted, an appeal may be taken to the supreme court. The supreme court may grant a new trial, discharge the case, or affirm the decision of the lower court. If in any case the jury should fail to agree upon a verdict, there is a mistrial called a "hung jury," and the case may be retried.

Civil cases usually involve a dispute over some property. The case is begun by the filing of a complaint in the office of the clerk of the court. A summons is thereupon issued and directed to the sheriff, giving notice to the defendant of the commencement of the suit. The dispute may involve

a point of law or a question of fact. The former is tried by the court, the latter by the petit or trial jury. The use of a jury may be waived by an agreement of the parties to the civil action. The statement of the case, the submission of the evidence, the argument, and the instructions are the same as in criminal cases.

The grand jury is a body of seven men called together by a district judge to investigate the violations of the law. In most states the laws provide for the calling of the grand jury once or twice a year. In this state the grand jury is only convened upon an order of the judge of the district court. When once convened, it is required to investigate in secret the violations of the law and, if necessary, the administration of any or all public offices. If the evidence seems to show that unlawful acts have been performed, indictments are drawn against the offenders or in other words, formal charges are preferred against certain individuals and presented to the clerk of the court. Warrants are now issued for the arrest of the indicted persons, and the procedure is the same as outlined in criminal cases.

QUESTIONS

1. What is the duty of the court ?
2. Why should a judge be a particularly fair and honest man ?
3. How many kinds of courts do we have in this state ?
4. How are the judges of the several courts elected ?
5. What are their terms of office ?
6. What is the name of the highest court in the state ?
7. How many judges sit in this court ?
8. Where are the cases first tried ?
9. Why does each district elect a prosecuting attorney and the State an attorney-general ?
10. Are interested parties to a suit allowed to bring witnesses before the supreme court ?
11. Of what use is the grand jury ?

APPOINTIVE OFFICERS

A century ago there was a strong tendency toward the diffusion of power. By this is meant that many offices were filled directly by the people. The purpose was to keep the power as near to the people as possible. Our forefathers had been oppressed by kings and rulers and believed that little power should be given to them, but that great power should be given to the legislature over the affairs of the state.

Just how many officials should be elected and how many appointed is a difficult matter to determine. Some maintain that the people in a democracy should elect as many as possible in order to keep the power in their own hands; others, and the tendency seems in that direction at present, feel that better results can be obtained by the people electing an executive officer or commission with power to fill all the other offices. In this manner the selective power will have several persons to make a choice from and can take time to inquire into their ability and character, which is difficult to do in a political convention.

In this state neither extreme has been followed. The people have retained the right to fill a great many offices by election; and the legislature has granted the power to the governor, with the consent and approval of the Senate, to make appointments to a large number of offices. In this chapter upon "appointive officers and state boards and commissions" it is to be understood, unless otherwise specified, that all persons occupying these several positions are appointed to them by the governor, upon the approval of the Senate. There are, however, a few *ex officio* members on the different boards and commissions.

Adjutant General.—The governor is commander in chief of the Utah National Guard. He appoints as members of his staff an adjutant general, an inspector general, quartermaster general, a commissary general, a surgeon general, a judge advocate general, a general inspector of target practice, an assistant adjutant general, and two aides-de-camp. Next in command to the governor is the adjutant general. He is supposed to carry out the orders of the governor and be in active control of the military forces of the state. It rests with the adjutant general and the staff to maintain within the state a capable and efficient military force, which must not be less than three hundred in number. The term of office of the military officials cannot extend beyond the term of office of the governor appointing them. The purpose of maintaining a state militia is to insure peace and safety against riot and disorder in any part of the state.

The officers are paid a regular salary for their work of organizing and training an efficient military force of the state. The privates and non-commissioned officers, on the other hand, are paid small amounts when at practice or in service.

Bank Commissioner. — Banks are among our most useful institutions. People with a surplus place it in a bank for convenience or for interest, while others in need go there to borrow. In this way they help to build up a community. The majority of people who deal with banks know very little about their reliability. Banks are chartered by the federal government, in the case of national banks, and by the state in the case of the state banks. In order to see that their business is properly transacted, and in order to protect the patrons, the federal government appoints bank examiners to examine the national banks, and the state appoints a state bank commissioner and bank examiners to examine

state banks. Loan trust and guaranty associations do a business similar to banking and are under like supervision.

By law the commissioner of banks is given general supervision of the banks of the state. He must have had three years' practical experience in banking in order to be qualified for appointment. He is assisted by one or more bank examiners appointed by the governor. Their duties are to inspect the books, examine the commercial paper, and determine the reliability of the state banks, loan trusts, or guaranty associations. The examinations must be made at least once a year and oftener if the secretary of state requests it.

Chemist (State). — In former times most of the food consumed in the home was prepared by the family. Meats and fruits were cured at home for family use. In this way good, wholesome food was provided. Modern science and means of transportation have changed conditions. At an ordinary dinner the different parts of the earth are represented by their products. The house industry has been supplanted by the factory, which is a means of supplying, in many cases, millions of people. The modern factory is an institution run by its owner for profit. If for the pure product can be substituted some cheap but inferior article, the profits can be largely increased. This is bad enough if the substitute is a harmless one. Too often, however, it is a poisonous one, which no one except a trained chemist is able to detect. So much impure food has been placed upon the market that the national government has had to create a regular bureau to analyze food shipped into foreign countries and from one state to another.

However, considerable food is manufactured within each state and over this, unless it enters into interstate commerce, the national government has no control, but it is the duty of the state to inspect it.

The state chemist is appointed for a term of two years and his duties require him to analyze all articles of food and drink manufactured, sold, or used within the state, when submitted to him by the state dairy and food commissioner or the State Board of Health. The office is one of the most important within the state. In order to fulfill it properly, it requires a good chemist and a man of strict integrity. The bond is \$5000. The term is two years.

Coal Mine Inspector. — Under the best possible conditions mining is a dangerous occupation. Thousands of men lose their lives every year in the mines of the United States. In certain mines explosive gases gather and in the presence of fire explosions take place. By proper precautions these can be prevented. Poor timbering is often done or poor machinery installed. All of these are the cause of numerous accidents and a great loss of life. In order to enforce proper regulations, a state inspector of coal mines is appointed. The term is four years.

Dairy and Food Commissioner. — Closely associated and equally important with the state chemist is the dairy and food commissioner. It is his duty to see that all laws governing the production, manufacture, and sale of foods and dairy products are strictly enforced. Modern science has taught us that cleanliness is essential to health. Filth breeds disease. So it is essential, not only that foods shall not be adulterated, but that they shall be free from all forms of injurious bacteria. To accomplish this the dairy and food commissioner must insist that all places where food products are prepared and offered for sale, and where meats are slaughtered or offered for sale, be kept clean and wholesome. To accomplish this, he or his deputies are required to visit all parts of the state and whenever he feels that diseased, unclean, infected, unwholesome,

or adulterated products are prepared or offered for sale to examine them, and if they are found to be so, to prohibit their sale. For this purpose it is necessary to inspect factories, dairies, creameries, bakeries, restaurants, shops, and all places where any kind of foods are produced or exhibited for sale. If unfit foods or unclean factories, shops, or stores are found, he must abate the nuisance. That the state should take up this task is one of the greatest steps towards advancement in health conditions in the last half century. Many years will go by before conditions are as they should be, but there is an old adage that well begun is half done. His term is two years.

Engineer (State).—In humid climates the control, distribution, and regulation of the natural streams are not so important to production, unless it is by drainage or other means of getting rid of the surplus water. In the states of the arid regions it is essential to their agricultural, domestic, and social development that the water from the streams be properly distributed and that reservoirs and other means be provided for the storage of flood waters. Where the water becomes more valuable than the land itself the streams are apportioned, measured, and properly recorded and the ownership determined. The state assigns this work to the state engineer and his aids. Of course disputed points may be taken to the courts for final settlement. He is authorized to make such rules and regulations as will carry out the foregoing provisions and secure an equitable and fair division of the water of the several streams according to the established rights of the owners or claimants. At present there are few things as important to the welfare of the state as the proper conservation and distribution of the water supply. Every town should exert itself to the limit to get an ample supply of

pure water. The person appointed to the office of state engineer must be well qualified. His term of office is four years, and his bond is \$5000.

Examiners of Public Accounts.—In order to see that proper accounts are kept of the public, the office of examiners of public accounts has been created. The term is during the pleasure of the governor, and the examiner is required to examine the financial affairs of every state officer, state board, and state institution at least once a year. After the examinations are made, he must report to the Board of Examiners.

Fish and Game Warden.—The fish and game warden is appointed for a term of four years. The appointee must not be a member of any hunting, shooting, or fishing club. His office gives him control and supervision over the waters of the state for the collection, propagation, culture, and distribution of fish in the state. He is to receive and distribute all game, fish fry, and spawn fairly and equitably among the several counties. The law gives him authority to capture any game or fish in the state for the purpose of inspection, cultivation, propagation, or distribution.

The commissioner may appoint by and with the approval of the governor one chief deputy warden, six chief wardens, one superintendent for each hatchery, and one chief clerk, and a sufficient number of local deputies to protect the fish and game. There are now (1911) twenty-three deputies. The salaries are: chief deputy, \$1200; superintendent of each hatchery, \$1000; each of the six wardens, \$1000; per annum and actual traveling expenses not to exceed \$600 per annum. The chief office clerk receives an annual salary of \$900. These expenditures are met by a license fee, imposed on all hunters and fishers.

It is a criminal offense to fish or hunt without license. The state is divided into districts and one chief warden is placed in charge of a district. Under each warden are several deputies.

The duties of the fish and game wardens and deputies are to see that all laws of the state for the protection of fish and game are faithfully enforced in the several counties. For this purpose they are given the power usually exercised by constables and sheriffs.

Commissioner of Immigration. — The Western states are anxious to secure settlers and in order to secure the necessary statistics and to place them properly before the public, the law has created the office of the commissioner of immigration. His duties require him to gather statistics of all the natural resources of the state, financial, manufacturing, vital, social, and labor statistics of the state. He is also charged with gathering information in respect to violations of labor laws. He is required to make proper reports. The term of office is two years.

Commissioner of Insurance. — Insurance is no longer a private concern. A very large number of people carry insurance, and it becomes the state to see that such companies as go out to solicit public patronage should be financially reliable. For this purpose the state has created the office of commissioner of insurance, whose duty it is to examine the various insurance companies doing business in the state and, if found complying with the requirements of the law, to issue to them a certificate for a continuance of the right to do business. New companies must comply with the same requirements. The term of office is two years.

Veterinarian (State). — The live stock industry of the state is one of great and growing importance. The num-

ber of live stock in the state according to the United States Census of 1910 is:—

Cattle	411,195	value	\$8,922,763
Horses and mules	117,545	value	10,124,833
Sheep	1,826,477	value	8,632,029
Swine	64,244	value	445,401
Poultry	673,662	value	303,380

As the state grows in population and wealth not only will the number of live stock increase, but the quality will greatly improve. Diseases prevail to a considerable extent among animals. Many of these diseases are contagious or infectious, and once started, if not properly controlled, may spread over the entire state. Diseased animals imported from other states, if not properly quarantined, will transmit diseases to the local herds. Furthermore, certain diseases may be communicated from animals to human beings. In order to prevent such a loss the state has created the office of state veterinarian, whose duty it is to protect the health of the domestic animals by investigating the causes and cases of disease, and applying the best-known preventative. He has authority to establish quarantine regulations and, if necessary, to destroy diseased animals. It is essential to the welfare of an agricultural state that the person appointed to the office of state veterinarian should be well qualified for the work and thoroughly capable, for extensive interests are at stake. He is appointed by the joint action of the governor and the board of the Agricultural College of Utah for a term of two years.

STATE BOARDS

State Board of Accountancy.—There is a growing demand for expert accountants to examine and audit public

accounts, and likewise the books and conditions of private business. So that those seeking such help may be able to select it properly, the state has established a state board of accountancy, whose duty it is to give examinations and issue certificates to the successful candidates as certified public accountants. Term of office four years.

Board of Trustees of Agricultural College of Utah. — The Agricultural College of Utah was established to promote industrial education. It is governed by a board. The Board of Trustees of the Agricultural College consists of thirteen members, who are appointed for four years and serve without pay. It is the governing body of the college, and selects the president of the faculty and, upon his recommendation, the members of the faculty.

Board of Architecture. — The board of architecture consists of five members. In order to be eligible for appointment the candidates must have practiced in the state five years. The duties of the board are to prescribe rules governing the practice of architecture and provide examinations for those entering the profession. Term of office, six years.

Utah Art Board. — All civilized people attempt to foster the fine arts because it helps to develop man's finer feelings. The Utah Art Board consists of seven members appointed for a term of four years to serve without pay. Four of the members must be artists. The board is authorized to offer prizes, give lectures and exhibitions, and encourage art in every way possible. There is usually appropriated \$1000 to defray expenses.

Board of Barbers. — The Board of Barbers consists of three qualified barbers appointed for a term of three years, whose duty it is to examine all barbers in the state and to issue certificates to those found qualified to carry on the

barber business. The aim from the standpoint of the state in providing such an examination is to secure cleanliness and to prevent the spread of infectious diseases.

Capitol Commission.— The Capitol Commission consists of seven members: the governor, the secretary of state, the attorney-general, and four members appointed by the governor. Its duties are to secure plans and to have supervision over the construction of the capitol building.

Conservation Commission.— The Conservation Commission consists of eight members, appointed by the governor. The governor is *ex-officio* member and chairman. Its duties are to conserve the natural resources of the state, to collect statistics pertaining to these resources; and to cooperate with the National Conservation Commission and similar bodies from other states. The term of office is four years.

Board of Correction.— The Board of Correction consists of the governor and two members appointed by him for a term of four years. Both of the appointees cannot belong to the same political party. This board is charged with the control and management of the state prison and, in connection with the warden of the state prison and the state road commission, with the control of prison labor upon the public highways.

State Dairy and Food Bureau.— In order to formulate and prescribe rules governing the operation of creameries, dairies, slaughter houses, confectioneries, bakeries, hotels, fruit and vegetable canneries, etc., the legislature has created a Dairy and Food Bureau, consisting of the state chemist, the dairy and food commissioner, and three members appointed by the governor. It has power to prescribe such rules as will provide for sanitary food supplies. The term of office is three years.

School for the Deaf and Blind. — Modern society has done much for those unfortunates who are defective in sight, hearing, or speech. The aim is to prepare them, as far as possible, to enjoy life and to care for themselves. The governing board of the School for the Deaf and Blind located at Ogden consists of five trustees appointed for a term of six years.

Dental Board. — Dentistry has become a very important science, and the public should be protected from unqualified persons who attempt to practice. For this purpose it is necessary that all practicing dentists should be examined and licensed by the State Dental Board, which consists of five members appointed for a term of four years.

State Board of Education. — In modern society the training of the mind has become a distinct function of the state. The State Board of Education consists of five members: the state superintendent of public instruction, the president of the University of Utah, the president of the Agricultural College of Utah, and two persons appointed for a term of four years. The members serve without salary, except their actual traveling expenses. The law gives the body general supervision and control of the high and common schools of the state. It grants diplomas and certificates to teachers; prepares questions for the examinations of teachers; appoints examiners; and prepares courses of study for the common schools and the high schools. Cities of the first and second class are allowed to prepare their own courses of study for the common schools. Its chief control over the school system of the state is in determining the qualifications of teachers, and in the preparation of a course of study. If boards of education employ teachers not properly certificated, or high schools ignore the course of study, they lose their share of the state school fund.



AGRICULTURAL COLLEGE



It is also made Library-Gymnasium Commission for the state with power to appoint a secretary.

The library movement has taken a firm hold in almost all of the older states and also in many of the newer ones. The purpose back of the effort is to provide plenty of good, wholesome reading matter of a vocational and cultural nature to all the citizens of the states. Of equal importance is the gymnasium. It aims to provide the boys and girls with plenty of good, wholesome recreation. In this state the two movements were placed under one head and they equally merit the hearty, active support of the state.

State Board of Equalization. — In the state there are twenty-seven counties, each with its own assessor. Each assessor has several deputies. With so many persons fixing the value of property for tax purposes, it is only to be expected that the valuation would not only vary from individual to individual, but from town to town and from county to county. To correct the inequalities between individuals and towns is the duty of the county commissioners acting as a board of equalization. But to equalize the differences between counties, four persons are appointed for a term of four years, not more than two of whom may belong to the same political party, to be known as the Board of Equalization.

It is the duty of the Board of Equalization to prescribe rules and forms for the assessment of property by county officials, to equalize levies between counties, to assess all franchises, railroads, express companies, street cars, telegraph, telephone, electric light, pipe line, and power companies operating in more than one county in the state and apportion the assessment among the counties where the plants are located.

Board of Examiners. — Each year the state pays out

large sums of money for various public purposes. It is, therefore, proper that somebody should be required to pass upon the legality and justice of each claim. So the state constitution provides that the governor, the secretary of state, and the attorney-general shall constitute a Board of Examiners. No claim against the state except for salaries and other compensation fixed by law, can be passed by the legislature until it has been considered and acted upon by the Board of Examiners. If necessary, this body can compel the attendance of witnesses and exercise other extensive powers. When the legislature is not in session, an emergency requiring additional funds may arise in any department or institution of the state. Under such circumstances the Board of Examiners has authority to allow a department or institution to create a deficit. It is also empowered to purchase supplies for the several offices and for the sessions of the legislature.

State Fair. — To promote animal husbandry, agriculture, horticulture, mining and manufacturing, the legislature passed a law creating the State Fair Association. It holds an annual fair in Salt Lake City. Its revenues are derived partly from fees and partly from state aid. The governing board consists of fifteen directors appointed by the governor for a term of four years.

The State Board of Health. — The State Board of Health consists of seven members appointed for a term of seven years, one retiring each year. A majority of the members must be physicians in good standing and graduates of good medical colleges and one a civil engineer. All members serve without pay save their traveling expenses when on public business, except the secretary, who receives a salary. The board has general supervision of the health interests of the citizens of the entire state with respect

to a study of vital statistics, quarantine regulations, and sanitary conditions.

Horticultural Commission. — The duties of the Horticultural Commission are to have general supervision over the orchards of the state and to prescribe rules for the control of insects and diseases injurious to fruit production. The Commission comprises three members, one of whom is designated by the governor as horticultural inspector. Term, two years.

Industrial School. — Some youths are physically defective, but others are sadly in need of moral training. The state feels that it is easier to supply it than to allow the boys and girls to grow up defective in the essential elements of good character. For this purpose the Industrial School was established at Ogden. It is governed and controlled by a board of seven trustees, which consists of the attorney-general, superintendent of public instruction, and five others appointed for the term of four years.

Board of Insanity. — The Board of Insanity consists of the governor, state treasurer, and state auditor. It controls the State Mental Hospital or Insane Asylum at Provo. The members receive their actual traveling expenses.

Board of Labor. — The Board of Labor consists of three persons, one an employer, one an employee who is a member of a labor organization, and one who is neither an employee nor an employer of physical labor, each appointed for a term of four years. In all cases of threatened strikes, lockouts, or labor troubles, it is the duty of the board to attempt to conciliate, mediate, or arbitrate the difference between the disputants. The members receive \$4 a day for each day of actual service, to be paid by the parties of the controversy.

State Board of Land Commissioners. — An important body

upon which rests great financial responsibility is the State Board of Land Commissioners. The enabling act by Congress which permitted Utah to enter the Union granted the new state large concessions of land for public purposes. The common schools were given the second, sixteenth, thirty-second, and thirty-sixth sections in every township in the state except in national parks and Indian Reservations. In case these lands had been disposed of by the government, the state was allowed to select other lands in their place. Thus 6,016,000 acres were in this way reserved for the common schools. The University of Utah was granted 110,000; the Agricultural College, 200,000; the Mental Hospital, 100,000; the School of Mines, 100,000; the School for the Deaf and Blind, 200,000; the Industrial School, 100,000; and the Normal School, 100,000 acres.

These lands were to be sold and the permanent funds derived therefrom safely invested. The respective institutions were to receive only the income for maintenance. In addition to the foregoing the state is to receive five per cent of the net proceeds of the sales of public lands by the federal government until all the public lands are sold. This is likewise to remain a permanent fund, the interest of which is to be used for the common schools.

The institutions enjoying these benefits must forever remain under the exclusive control of the state and be free from sectarianism.

For the purpose of assisting in the erection of a state capitol sixty-four thousand acres were granted and to erect a miners' hospital fifty thousand acres. The lands have almost all been sold and the proceeds invested in bonds, farm loans, and various other forms of investment.

The control and sale of these lands and the investment of the funds is the duty of the State Board of Land Com-

missioners. The commission consists of five members appointed for a term of two years each. Each member is paid the same salary with the exception of the secretary, who is also a member and receives more. His bond is heavy, being \$500,000, because he is the custodian of the large sums, as already indicated.

Loan Commission. — The Loan Commission consists of the governor, secretary of state, and the attorney-general. Its duty is to pay the state bonds when funds are provided. No salary is attached to this office.

Commission for Uniformity of Legislation. — The interests of the states of the Union are so much alike that it is desirable to have many of the laws similarly drawn. It promotes justice and makes the enforcement so much easier. To bring this about the governor is authorized to appoint a commission of three to act with similar commissions from other states. The term is two years.

Board of Medical Examiners. — The profession of medicine, if practiced by persons who possess a knowledge of the subject, and the proper moral standards, is capable of doing much good by healing the sick and relieving the suffering. Unqualified persons should not be allowed to treat any human being, for they are capable of doing great injury.

The Board of Medical Examiners consists of nine persons, licensed, graduate practitioners of medicine in the state, appointed for a term of two years. It is the duty of the board to examine all candidates who desire to practice medicine and, if they are successful, to issue them a certificate to practice. The board has power to revoke certificates for unprofessional conduct and to take steps to have a court prohibit persons practicing medicine, surgery, or obstetrics within the state contrary to law.

Notaries Public. — Notaries Public are appointed by the governor for a term of four years. They have authority during their terms within the state to acknowledge deeds and other documents. Their authority when exercised within the state is ordinarily given official recognition in other states.

Board of Optometry. — The Board of Optometry consists of three members appointed for a term of two years. One must be a graduate physician and two regular oculists who have practiced in the state for five years. The board has power to prescribe examinations, grant certificates to those properly qualified, and to revoke certificates for immoral or unprofessional conduct or for incompetency.

Board of Pardons. — Many men make mistakes and commit crimes, but when detected, they begin to realize their position and want to reform and do right. Often they do not wait until they are out of the state prison, but become model prisoners. In such cases most people feel that it is only fair to consider their cases and if they seem honest, to give them another chance. For this purpose the state has established a Board of Pardons. In most states this duty devolves on the governor. The governor, justices of the supreme court, and the attorney-general constitute the Board of Pardons, whose duty it is, upon such conditions as they deem proper, to remit fines, to commute punishments and to grant paroles and pardons except for treason and impeachment. No commutation, parole, or pardon can take place except after a full hearing before the board in open session.

Board of Park Commissioners. — The Board of Park Commissioners consists of the governor and two appointed members. Its duty is to manage and control any lands owned or set aside by the state for park purposes.

State Board of Pharmacy.— In the preparation of medicine considerable training and skill is necessary. Besides, a great responsibility rests upon those who compound powerful drugs for human consumption. The State Board of Pharmacy consists of five persons appointed for a term of five years. It is so arranged that one retires each year. They must be well-qualified pharmacists. The duty of the board is to examine and issue certificates to trained pharmacists. The salary is \$5 a day for actual services and also expenses.

State Road Commission.— The development of a good system of transportation has tremendous bearing on the social development of a community or state. It opens up the way for the country boy or girl, more easily to get an education; it makes the church more accessible to the country dwellers, and it retards congestion in cities; and it makes the country a place desirable to live in.

To encourage road building and to oversee and provide for the proper construction, the legislature has created a State Road Commission, which consists of the governor, the state engineer, the state treasurer, a member of the faculty of the Agricultural College, and a member of the faculty of the University of Utah. The commission has power to select state roads; to direct the expenditure of all state appropriations; to furnish plans and specifications for permanent road construction; and to prepare a manual on road building. In addition the state has granted annually considerable sums to assist each county in road construction.

Board of Sheep Commissioners.— The Board of Sheep Commissioners consists of three experienced wool growers appointed for a term of four years at a salary of \$500 each. Its duty relates to the control and the suppression of diseases among the sheep of the state. It has power to ap-

point inspectors to visit the flocks, and to give proper instructions to the flockmasters of the state.

Board of Regents of the University of Utah. — The University was established to promote higher learning. The Board of Regents consists of twelve members appointed for a term of four years and to serve without pay. It is the governing body of the university, selects the president of the faculty and, upon his recommendation, the members of the faculty. The secretary of state and the president of the faculty are *ex-officio* members of the board.

Board of Veterinary Medical Examiners. — The Board of Veterinary Medical Examiners consists of three persons. The duties of the board consist in giving examinations and in issuing certificates to successful candidates to practice veterinary medicine in the state. The members must be qualified veterinarians. Term, three years.

QUESTIONS

1. Should we elect or appoint officials ?
2. When would you elect and when appoint ?
3. Should the governor have the power to remove a person who fails to perform his duty ?
4. Why is a bank examiner necessary ?
5. How can the state chemist assist the dairy and food commissioner in his work ?
6. Why is it more necessary to conserve the water here than in New York ?
7. Is the fish and game preserved in this state as an industry or as a sport ?
8. How do diseased animals affect human health ?
9. Why is it necessary to have a coal mine inspector ?
10. What should be the qualifications of the state superintendent of public instruction ?
12. Should the taxes be equally levied all over the state ?
13. Why should doctors be required to pass a rigid examination ?
14. What are the advantages of good roads to farm boys and girls ?

CHAPTER V

COUNTY GOVERNMENT

THE county is not, like the state, an independent political unit, but it is merely a subdivision of the state and subject to its control. In Utah there are twenty-seven counties. The subdivisions are responsible to a large extent for the enforcement of the state laws. The state legislature passes laws which apply to the whole state, but the county attorney, the sheriff, and other county officials are frequently charged with enforcing them. Formerly, the sheriff was appointed by the king or the governor and when he did not enforce the laws, the king or governor could remove him. Now, however, he is elected by the people of the county and is not directly responsible to the chief executive of the state. The result is that the legislature has found it necessary to provide for inspectors to enforce the state laws, *i.e.* as dairy and food inspector, sheep inspector, and others. This condition is not peculiar to our state, but is common to most of the states of the Union. As already stated the county officers serve in a double capacity in the enforcement of state laws and regulations, and as agents of the people of the county in the performance of such duties as are required of them. The county commissioners, to a limited extent, may make rules and regulations in the nature of legislation, for example, rules governing the use of roads and bridges, the control of saloons in the county, etc. This, however, can be exercised only when specifically granted by the legislature.

The sheriff, as a rule, is required to enforce state laws and also required to carry out local regulations.

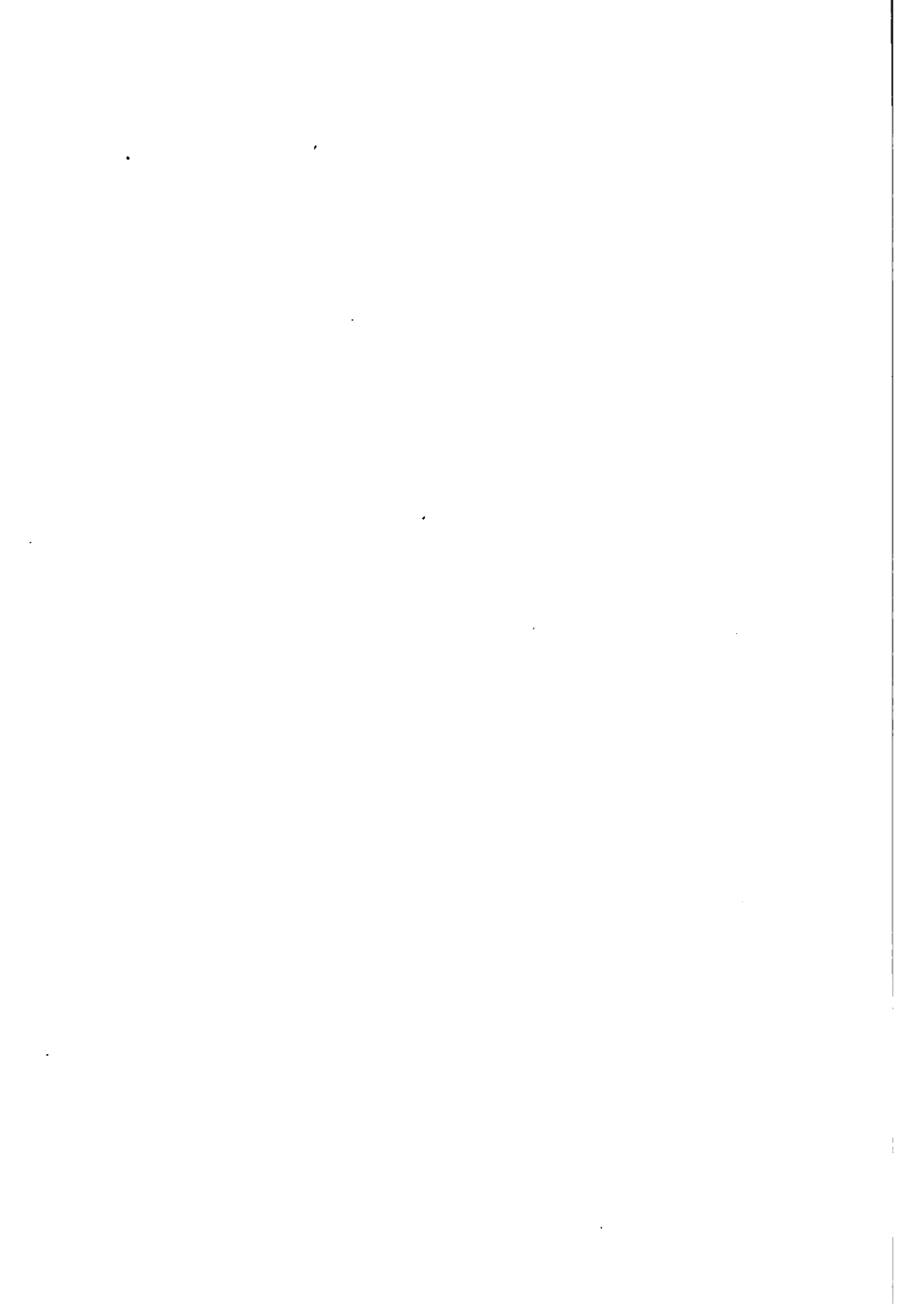
Counties and County Officers. — The number of counties and the different officers and the authority of the county officers have been created by the constitution and the laws of the state. The constitution fixes the boundaries of the several counties and provides that, "No territory shall be stricken from any county unless a majority of the voters living on such territory, as well as the county to which it is to be annexed, shall vote therefor, then only on such conditions as shall be prescribed by general law." There are now twenty-seven counties, and there has been no change since 1896.

The county seat is the seat of government of the county. The county courthouse, jail, and other public buildings are located there. It is also the place where the public officials transact the business of the county. When the territory of Utah became a state, the county seats had been located, and the constitution recognized the existing locations. It was also provided that whenever a change was wanted, a majority of the qualified voters of the county could petition the county commissioners, who would submit the question to the voters at the next general election, and if two thirds of the voters decided in favor of a new county seat, a removal would take place.

County officers are either elected or appointed. The following officers are elected for a term of two or four years: county commissioners, for a term of two or four years; the sheriff, treasurer, clerk, auditor, recorder, attorney, assessor, surveyor, and superintendent of schools for a term of two years. In consolidated county school districts the superintendent is elected by the county school board. And in a county with an assessed valuation below \$20,000,000,



CITY AND COUNTY BUILDING, SALT LAKE CITY



the clerk is *ex-officio* county auditor and is required to perform the duties of such office without additional pay.

The county district health officers, the commissioner of the poor, county fish and game warden, the sheep inspector, tree inspector, bee inspector, registers of births and deaths, judges of election, precinct road supervisors, are all appointed by the county commissioners and are expected to work under their direction.

All elective officers take office at noon on the first Monday in January, the appointive officers upon appointment by the commissioners. Deputies in the several offices may be appointed at any time when needed and in such numbers as the work may require. Vacancies occurring in either the elective or the appointive offices of the county are filled by the commissioners until the next general election. The law requires the county commissioners to fix the salary of the officers to be elected at least three months prior to the election at which they are to be chosen. Once fixed, they cannot be changed during the term of office. The counties are classified according to the assessed valuations and the maximum fixed by law.

1 CLASS	2 CLASS	3 CLASS	4 CLASS	5 CLASS
\$20,000,000 or over	\$15,000,000 to \$20,000,000	\$10,000,000 to \$15,000,000	\$8,000,000 to \$10,000,000	\$7,000,000 to \$8,000,000

6 CLASS	7 CLASS	8 CLASS	9 CLASS	10 CLASS
\$6,000,000 to \$7,000,000	\$5,000,000 to \$6,000,000	\$4,000,000 to \$5,000,000	\$3,000,000 to \$4,000,000	\$2,000,000 to \$3,000,000

11 CLASS	12 CLASS	13 CLASS	14 CLASS	15 CLASS
\$1,300,000 to \$2,000,000	\$1,000,000 to \$1,300,000	\$600,000 to \$1,000,000	\$300,000 to \$600,000	\$300,000 or less

The salaries of the county officers may be fixed in any amounts, but not to exceed the following limits set by law:—

CLASSES . . .	1	2	3	4	5	6	7
Commissioner . .	\$2500	\$700	\$600	\$500	\$500	\$450	\$450
Sheriff	3500	1800	1500	1500	1400	1300	1300
Assessor	2400	1800	1000	1000	900	850	800
Clerk	3200	1800	1500	1500	1400	1300	1300
Recorder	2650	1800	1500	1500	1150	1100	1050
Treasurer	3300	1800	1500	1500	1400	1300	1300
Attorney	3300	1800	1500	1500	1100	1000	1000
Supt. of Schools .	2000	1200	1200	1000	1000	1000	1000
Surveyor	2000	1000	1000	500	400	400	350
Auditor	2400						

	8	9	10	11	12	13	14	15
Commissioner	\$ 450	\$ 300	\$ 300	\$ 200	\$ 200	\$ 150	\$100	\$100
Sheriff	1300	1250	1250	1200	1200	800	750	400
Assessor . . .	800	750	750	750	600	400	300	300
Clerk	1300	1300	1000	1200	1000	800	750	500
Recorder . . .	1000	1200	1000	1200	900	750	550	400
Treasurer . .	1300	1000	900	800	600	500	400	250
Attorney . . .	1000	800	800	800	700	600	400	400
Supt. Schools	1000	1000	1000	1000	1000	1000	500	500
Surveyor . . .	350	350	350	350	350	350	350	350
Auditor								

Board of County Commissioners. — The members of the Board of County Commissioners, three in number, are elected part for a term of two years, and part for a term of four years. The terms of the different members are so arranged that they do not all expire at the same time. The object of this arrangement is to prevent the members all retiring at once, and allowing the board to be composed entirely of new men who know nothing of the county's affairs, for they form a board of management for the county's business. The salaries for these men are fixed for the term before they enter office in accordance with the schedule passed by law. The board elects one of its members chairman and the presence of two members is required to constitute a quorum to do business. In case of a vacancy occurring in the board by death or resignation, the place is filled by election by the other two members. If they fail to act within the thirty days, it becomes the duty of the governor, upon notification by the county clerk, to fill the vacancy. The law requires regular meetings to be held and special meetings may be called, upon five days' notice, by the chairman or by a majority of the board. All meetings must be public. A complete record must be kept which is, at all times, open to public inspection. In case of a violation of the law or a failure to perform their duties upon the part of the other officials of the county, the commissioners are to direct the necessary prosecutions for delinquencies. At least every six months they are required to audit the accounts of all county officers having in charge the keeping or disbursement of public moneys. Their duties include the power to allow all bills properly chargeable against the county and to issue licenses for the regulation of every kind of business not contrary to law, except in incorporated cities.

They are the guardians of the affairs of the county. They possess not only administrative authority, but legislative power within the limits prescribed by state law. They have authority governing elections; to establish, to abolish, and to change election districts; to appoint inspectors and judges of elections; to canvass returns; and to order the county clerk to issue certificates of election to those receiving a majority of the votes cast. Their work of supervision extends to all county and precinct officers to see that they faithfully perform their duties; and to fix the rate of license tax; to provide for the destruction of injurious animals or weeds; to protect the game and fish; to provide work for prisoners; to inspect the measurement and weight of merchandise; to adopt rules and regulations governing the storage of explosives; to provide for the examination of persons in charge of stationary engines or steam generators, boilers or apparatus; to lay out, maintain, regulate, control, erect, and manage public roads, turnpikes, ferries, and bridges within the county, outside of incorporated cities; to grant franchises along and over public roads and highways for all lawful purposes for periods not to exceed fifty years; to purchase property and water rights for county purposes; to erect, repair, rebuild, or furnish a courthouse, jail, hospital, and all other necessary public buildings; to levy taxes for the support of the schools, for the care of the poor, for the maintenance of roads, for the payment of interest, and for other general county purposes, but only within the limits set by law.

The commissioners act as a board of equalization to adjust and equalize the assessment of property within the county. It may increase or decrease the assessed valuation of any property which it regards as improperly or incorrectly assessed. It also has authority to remit the taxes of

insane, idiotic, infirm, or indigent persons to an amount not exceeding ten dollars. These changes and acts should be made after a very careful investigation.

County Treasurer. — The county treasurer is elected by the voters of the county for a term of two years. His salary is fixed by the commissioners according to the class of the county and the schedule provided by law. His duties are: to receive all moneys belonging to the county and to keep safely the same until ordered to pay them out; to keep an accurate account of the receipts and disbursements of all funds received; to pay all warrants when properly presented, if there is money in the treasury; if there is no money, to register the warrants and to pay them in their order with five per cent interest when there are funds in the treasury; to make a detailed statement to the county commissioners when requested by them to do so. He is not allowed to lend public money and may be suspended from office by the Board of County Commissioners pending an action brought against him for misconduct.

Sheriff. — The sheriff is the peace officer of the county. He is supposed to enforce the laws of the state, something he does not always do. Hence the appointment of inspectors by the governor of the state to see that certain laws are obeyed. The law requires him in addition to the duties already specified to attend in person or by deputy all sessions of the district courts; to have charge of the jail and the prisoners in it; to serve writs, summons, and orders of court. In all cases where the sheriff is prevented by relationship or property rights from being unprejudiced, the work is to be done by a constable. His term of office is two years and his salary, within the schedule, is fixed by the commissioners.

County Clerk.—The county clerk is the bookkeeper of the county. He is elected for two years. The law makes him *ex-officio* clerk of the district court and also clerk of the Board of County Commissioners. His duties require that he keep an official record of every business transaction of the county and carefully file all papers, books, and records which pertain to public affairs; to issue all writs or summons; to record all judgments or decrees of the courts; to keep a record of all lawsuits; to record in a minute book the daily acts of the court; to make record of all fees received; to make a record of the names of all candidates for citizenship; to make a list of all witnesses and jurors; to administer oaths; to make a proper record of probate business and the appointment of guardians; to keep the names of all notaries public in the county; to issue licenses for marriages and deaths and to issue a certificate of election to county officers. His salary is fixed by the county commissioners.

County Auditor.—The county auditor is elected for a term of two years and at a salary fixed by the county commissioners. In all counties, except counties possessing over twenty million of property according to the last assessment, the county clerk is *ex-officio* county auditor. The duty of the auditor is to examine all claims, bills, and accounts or charges against the county and to present a report on the same to the county commissioners at the next regular meeting; to examine all claims of the county against individuals and report on them to the commissioners; to draw all warrants upon the county treasurer in satisfaction of the properly allowed claims against the county; to keep a set of books showing the receipts and disbursements of the county; to examine the books and accounts of all the county officials each month; to pub-

lish a detailed statement annually of the condition of the county business. The real object of the office of auditor is to see that all moneys of the county are properly and legally spent and he is supposed to stop all illegal expenditures; and if the auditor does his duty faithfully, it would be impossible for any official to expend or use the people's money unlawfully or to overdraw any fund. For when the moneys in any fund were all expended, the auditor would refuse to approve the claim for payment at that time. The special office of the auditor is to see that moneys are not misappropriated. If he fails to attend to this, he fails to do his duty.

County Recorder.—The county recorder is elected for a term of two years. The law requires the recorder to make a record of all papers and documents in books provided for that purpose by the county. The recorder must properly record all deeds and mortgages upon land, plats of town sites, and cemeteries after proper approval, wills and divisions of estates after they have passed through probate.

When you record any document, it is taken as a means of serving notice upon all concerned that you claim an interest in the property. If a deed is properly recorded, it is a notice to every one that you claim an interest in the land. If it were not recorded and a second deed was given, you may lose your title. Again, it is a means of security. If the original papers are lost or destroyed before they are recorded, it may cause trouble and perhaps a lawsuit to secure a safe title again. Frequently in case of such neglect it is impossible to secure a title at any price. The parties concerned may be dead. In case a man should give two deeds to the same piece of land, the person who filed his first in the office of the recorder would ordinarily be held to be the owner of the land.

County Attorney. — The county attorney is elected for a term of two years at a salary fixed by the county commissioners. The duties of his office require that he prosecute all offenders against the laws of the state within the county, in the justices courts. When the cases pass to the district court, they come under the charge of the district attorney.

Whenever persons commit crime, it becomes the duty of the county attorney to file complaints against them and to appear before them in the justices court and see that the trial is properly carried on or prosecuted. If persons enter suits against the county, it is the county attorney's duty to appear in court to defend the county's interest. Laws are also difficult many times to understand—it is often impossible for the public officials to properly comprehend them. The county attorney is to advise them as to the correct meaning of the laws and their legal duties under the law. He is, however, under no obligation to give advice to private citizens in regard to their rights or private business.

County Surveyor.—The county surveyor is elected for a term of two years and serves at a salary set by the county commissioners. His duties are to make any surveys required by the Board of County Commissioners for public purposes. He may also do private work, but whether the work is public or private, he must make and keep a correct record of all the surveys made, and there must be maps, charts, and field notes kept on file in the office subject to inspection. Copies of any survey must be furnished upon request and the payment of the proper fees. Private work must be paid for by the persons having it done.

County Assessor. — The county assessor is elected for a term of two years at a salary set by the county commissioners. Every government needs money to pay its ex-

penses and there is only one source, and that is the people, or rather the property. It is the duty of the assessor to find all the property he can and properly value it. The duty of the county assessor is a very important one. If people are allowed to report only a part of their property and thereby evade taxation, or if one man's property is valued more highly than another's in proportion to what he possesses, it is manifestly unjust. It is his duty to see that every man is fully and equally taxed in proportion to his property. If this is not done, each man does not bear a fair share of the support of the schools, the roads, and other affairs of the state. A good tax official of honesty, ability, and integrity is of great value to the public and is seldom appreciated by the public. To do his duty well is not easy.

County Superintendent of Schools. — In consolidated districts the superintendents are elected by the County Board of Education, but in the other counties they are elected by the voters at the general election. The salary is fixed by the county commissioners except in consolidated districts where the Board of Education sets it. Their duties will be dealt with in the chapter on Public Education.

County Boards of Health. — Modern sanitation has taught us that if the communities are to be healthy, the cities, towns, and villages must be kept clean. The time was when personal cleanliness was considered sufficient for health; now we know that it is just as essential to health that school and meeting houses be kept clean and have a liberal supply of fresh air; that a pure supply of water be provided and that every reasonable means be taken to prevent the spread of infectious diseases. We are our brother's keeper. For the purpose of overseeing the health

conditions, the county commissioners are authorized to appoint a county physician to care for the indigent sick, and also to divide the county into districts and appoint for each district a health officer, who shall be, when practicable, a graduate physician of a good medical school. Such district health officers together with the Board of County Commissioners constitute the County Board of Health.

Boards of health have authority to order nuisances abated and filth removed. It is the duty of boards of health to be on the watch for nuisances which breed disease and to have them cleared away before illness occurs. If a contagious or infectious disease does break out, it becomes the duty of the health board to quarantine the infected persons and properly disinfect the premises.

Upon the diligence of the health board and the observance of the rules laid down by it, depend, in a large measure, the health of the community. Pure water and the observance of proper sanitary regulations contribute greatly to good health and to the length of life of the citizens. It is the first duty of every progressive citizen to see that the town has a plentiful supply of good, pure water and that all out houses are kept in a sanitary condition. If this were done, there would be less sickness and fewer deaths. (Remember that water is not necessarily pure because it is clear or tastes good.)

Poor Commissioner. — In every community of this state there are unfortunately persons who are too poor to properly care for themselves. They cannot be allowed to suffer for want of shelter, clothing, or food, and, therefore, must be put in charge of some private or public charitable organization. Churches and private associations do much in this direction, but a large burden falls on the state. Many of the counties spend thousands of dollars annually,

and some maintain poorhouses and farms. To care for the poor properly, where the commissioners see fit, they may appoint a commissioner of the poor. He may be one of their own number. His duties give him charge of the poor, the sick, and the needy, and he must see that they are provided for in case of need. To do this work properly really requires special training. To see that the needy are provided for, and that those who would impose upon the public are put to work, has become a profession in the centers of population, and should soon be so considered everywhere. It is just as necessary to prevent pauperism as it is to provide for paupers. It requires a well-qualified person to do the latter without bringing about the former.

Road Commissioner. — Good roads are an essential to the development of any country. If people produce, it is necessary to market. In order to do away with the haphazard methods of the past, the law of 1909 authorized the Board of Commissioners to appoint a road commissioner for a term of two years and at a salary to be fixed by them. The duty of the county road commissioner is to take charge of the construction, repair, and improvement of roads as the county funds will permit. He is also to collect and expend the annual poll tax of two dollars due from every male person between the ages of twenty-one and fifty. Whenever possible the road commissioner should be an engineer, because the law imposes upon him the duty of repairing the roads, preparing plats, and directing construction. This is special work and requires special training and never will be properly done until the task is assigned to road engineers.

Horticultural Inspector. — In recent years in this state there has been great development along the lines of com-

mercial horticulture. With the increase in the growth of fruits there have come diseases, and pests already here have spread rapidly. So that it has become impossible to place on the market fruit which is salable unless the trees and fruits are cared for and diseases and pests properly treated. To supervise the work and to teach the orchardists how to do the work, the county commissioners are authorized to appoint a county horticultural inspector, whose term of office is two years and at a salary not to exceed \$4 per day for the time actually employed. In order for a person to hold this office, he must have passed an examination and hold a certificate from the state horticultural commission, showing that he is capable of doing the work.

Up to this time (1911) the laws of the state have not been strict enough for the best interests of the fruit growers. If the fruit growers of the state, small and large, would submit to strict supervision over diseases and pests, it would increase the value of the fruit production of the state greatly, and also increase the crop.

Bee Inspection. — Bees, like human beings, are subject to diseases, many of which destroy entire hives or decrease the honey-producing qualities. For this reason they must be inspected and treated. Upon the petition of five actual beekeepers the Board of County Commissioners must appoint a competent person as bee inspector and fix his compensation. He shall hold office during the pleasure of the board. It is his duty to inspect all hives of bees in the county at least once a year and to take charge of all diseased bees and, if necessary, destroy them. The primary purpose of the inspection is to keep the hives free from foul broods, etc., to which they are subject if not properly cared for.

QUESTIONS

1. Why is the county form of government necessary ?
2. How many counties are there in the state ?
3. What is the duty of the sheriff ?
4. Which town is your county seat ?
5. How are counties classified ?
6. How do the commissioners care for the poor ?
7. How should help be administered to the poor ?
8. How should the taxes be levied ?
9. What should be the qualification and pay of a county superintendent ?
10. How long should he retain his office ?
11. What is the need of the County Board of Health ?

CHAPTER VI

LOCAL GOVERNMENT

THE local government is that part of the civil authority which deals with the local civil affairs that immediately concern us. It regulates and controls the roads and streets and things which come up to our very doors. The officers execute local and state laws. It is the political machinery which is supposed to care for the peculiar local wants, the need of which the inhabitants are most competent to judge. The Anglo-Saxons have always been peculiarly interested in retaining the control of local affairs in the hands of officers elected by the members of the community. If, however, this idea is carried to the extreme, each town or village would become a sovereign state and the larger interests and units of government would suffer. There are many things which can be done better by local officers, than state officers. Likewise there are conditions which can be controlled better by state officers. The best arrangement is where the field of government is properly divided and each division is assigned the management of affairs which is coextensive with its field; *i.e.* the federal government to enact laws pertaining to matters which concern the whole nation, the state to make laws for the affairs peculiar to its interests, and the county, the city, and the district each to concern itself with its own local affairs.

Precinct Government. — The Board of County Commissioners are authorized to divide the county into precincts, or local government units. Cities of the first and second

class are not divided. They each constitute one precinct and elect a justice of the peace and constable. For districts outside of towns and cities, precinct government is the only form of local government provided.

The Justice of the Peace is the judicial officer of the precinct. He is elected for a term of two years. His duty requires that he hold court for his precinct and try all cases or lawsuits on contracts, personal injuries, penalties, forfeiture of bonds, recovery of possessions of personal property, foreclosure or liens, where the amount in dispute does not exceed \$300 and in criminal cases of petit larceny (the stealing of \$50 or less), assault of battery, breach of the peace, etc., where the fine does not exceed \$300 or the imprisonment in the city or county jail does not exceed six months or by both fine and imprisonment. He is paid by fees fixed by law.

Constable. — The constable is the police or peace officer of the precinct. He must be an elector of the precinct and is elected by the voters of the district for a term of two years and at a salary made up of fees fixed by law for each official act. The law requires that he attend the sessions of the court of the justice of the peace, whenever so required, serve papers, post notices, and perform such other duties as are required by law. In addition he is the pound-keeper of the precinct and has in his charge all stray animals when brought to him for trespassing on the property of other persons.

Road Supervisor. — The County Board of Commissioners has authority to divide the county into road districts (these usually have the same boundaries as the precincts) and to appoint for each district a road supervisor, who shall have charge of the roads of his district under the Board of County Commissioners and the county road commis-

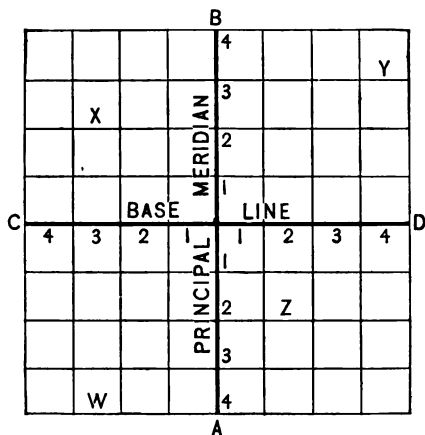
sioner. They are usually paid by the day when in service. Upon the selection of a good road supervisor depends, in a large measure, the care and condition of the roads of the precinct, and the careful expenditure of considerable of the money of the taxpayers.

Registrars of Births and Deaths. — The State Board of Health provides for the registration throughout the state of all births and deaths. The secretary of the board has charge of the work for the entire state. Each city of the first and second class and each precinct constitutes one district. For each district, cities of first and second class not included, the Board of County Commissioners is required to appoint a registrar of births and deaths. The law requires that parents must register the births of all their children with the precinct registrar, giving sex, color, date of birth, and names of parents, etc., and, in case of death, medical certificate, etc. Such information may be very valuable in years to come in the distribution of estates or the study of diseases. Where many persons die of a certain disease peculiar to a certain section, the fact will be brought out and the attempt to provide a remedy made. It is not permissible to bury a dead person without a certificate from the registrar of births and deaths.

Township and Town. — In many of the states the local civil division is known as the township. In New England, Michigan, Utah, and some other states the local civil division is known as a town. Township is also used to designate a system of measuring land. This double meaning of the word often leads to confusion. Perhaps it would be appropriate here to explain the use of the word township as applied to measuring land. When the government of the United States began to dispose of its lands to settlers in Utah, two main lines were run at right angles to each

other, one running north and south in line with Main Street of Salt Lake City, and known as the Salt Lake, or general meridian, the other running east and west through Salt Lake City, and known as the base line.

From the point where these lines cross the state is surveyed into squares six miles on each side. Such a square is known as a township. The rows of townships running north and south are known as ranges, and each range is spoken of as range one, two, three, etc., east or west from the meridian. The townships are also designated by their number north or south of the base line. By these two designations they can be definitely located.



I.—PUBLIC LAND CHART

Each square or township is again divided into thirty-six divisions known as sections and containing six hundred and forty acres. Each section is again divided into quarter sections of one hundred and sixty acres. The quarter section may still further be divided into forties. This is the system worked out by Thomas Jefferson for describing the public lands. It has been used ever since his day throughout the United States for measuring and describing lands sold by the government to settlers or from one private person to another.

The above diagram shows the plan suggested by Thomas Jefferson for measuring the lands of the United States.

AB is the principal meridian; *CD* is the base line. The figures on the base line mark the range lines and those on the meridian mark the township lines. *Y* is township 4 north and 4 east; *W* is township 4 south and 3 west.

If we now enlarge a township, we have diagram 2. A township is divided into 36 sections numbered as above. A section contains 640 acres and a quarter section 160

6	5	4	3	2	1
7	8 ^a	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

2.—TOWNSHIP, SHOWING SECTIONS

acres. As the meridian lines run to the north they come nearer together and must be corrected. At the north pole they would all meet, so corrections are made about every twenty-four miles.

Town.—The civil town is a body of citizens upon which the people of the state has by law conferred certain corporate rights: to elect officers, to sue and to be sued,

and to act in many other ways, just as a person in his own affairs. Only in this case it is for the benefit of the town. Of course the officials of the town cannot do any more than the authority conferred upon them by the constitution and laws of the state will permit. Sufficient power, however, rests with the people of the town for all practical purposes if the people will be awake and exercise it for their benefit.

A settlement with a population of three hundred or more may incorporate by petitioning the county commissioners and describing the boundaries of the proposed town. Upon the granting of the petition by the Board of County Commissioners that body must appoint a town board of trustees to consist of the president and four others, who shall serve

until their successors are elected at the next town election. When elected, the members of the town board serve for two years. A majority of the members of the board constitute a quorum to do business. As a body they may buy or sell real estate for the town; make the necessary health regulations; purchase and hold cemeteries; regulate or prohibit the running at large of live stock; license, tax, and regulate saloons (when allowed by the people at an election), pool and billiard rooms, hotels, and all forms of business and all kinds of professions. Shows, theaters, circuses, amusements, etc., come under its control, as well as vagrancy, prostitution, drunkenness, fighting, gambling, and petit larceny. It is also the duty of the board to lay out and improve the streets, water systems, abate nuisances and perform numerous other acts for the best moral and physical interests of the community and not contrary to laws of the state.

In order that the town board may carry on these various activities, it is authorized to assess a tax of one fourth of one per cent on the assessed valuation of the property of the town unless two thirds of the voters at a special election signify their desire for a higher levy. Then an amount not to exceed one half of one per cent may be levied.

City Government.—In Utah a small population may organize itself under a town or a city government. As conditions change a town may take on the city form of government. Generally a small population organizes under the town form of government, but it may, if it prefers, organize as a city at once. The law allows of such procedure. As the population of the different sections of the state is constantly increasing, provisions are made for a county, a district, or a town, to become a city when it secures the requisite population.

When a district or a county, not already under a city government, desires to be organized into a city, the citizens may petition the Board of County Commissioners to be made into a city. The petition must be in writing and signed by not less than one hundred taxpayers and qualified voters. The petition itself must describe the territory to be embraced within the proposed city and be accompanied by a map and the proposed name. As soon as the commissioners receive the petition, they must designate the class of the proposed city, and also fix the time and place of holding the election to determine whether the people want to become a city. Before the election is held, the commissioners must give notice in some newspaper published in the town, if there is one, for four successive weeks. If there is no paper published in the town, then notices must be posted in five places. The announcement must describe the territory it is proposed to include in the city. Candidates are also voted for at the same election to fill the offices. If the election shows that a majority of the voters favor a city, then the county clerk must file a copy of all papers relating to the proceeding in the office of secretary of state, whose duty it then becomes to issue a proclamation establishing the new city. Different states have different classifications, *e.g.* in Massachusetts everything below a population of 10,000 is a town. In Utah, however, the following classification holds: cities having 30,000 or more inhabitants are classified as cities of the first class; cities having more than 5000 and less than 30,000 inhabitants are cities of the second class; and all cities below 5000 inhabitants, cities of the third class. When the mayor or the president of the Board of Trustees certifies to the governor of the state that a city has the necessary population to place it in the class above, the

governor issues a proclamation placing it in its proper class. From the time that the proclamation is issued the town is governed by the laws intended for cities of such class. When the change, however, is made, the officers then holding office continue to exercise their duties until the next municipal election, when the proper officers are elected.

In many respects the city government corresponds to the state government, only in a smaller way. Formerly, it had its three distinct departments : executive, mayor; legislative, city council; and judiciary, police justice. Now, however, by the commission form of government for cities of the first and second class, established by the law of 1911 for the government of cities in Utah, the executive and legislative departments are combined. Cities of the first class are governed by a Board of Commission, consisting of the mayor and four commissioners; and cities of the second class by a mayor and two commissioners; and cities of the third class by a mayor and five councilmen. In cities of the first and second class the mayor and commissioners act together as one body, exercising both the legislative and the executive authority. The mayor represents the city in all duties and privileges which that office now enjoys and also is the presiding officer of the board, which is about the only authority he possesses not exercised by the other members of the commission. In cities of the third class the mayor is an executive officer only. According to the former system, the mayor possessed the right of veto and many other privileges. The new law provides : "The Board of Commissioners of cities of the first and second class shall discharge, exercise, and have all duties, powers, and privileges that are now or may be hereafter vested jointly or severally in the mayor and city council of

the first and second class and shall have all the rights, duties, powers, and privileges, as may hereafter be provided by law for boards of commissioners of cities of the first and second class." In cities of the third class the mayor presides, but does not have a vote, except in case of tie. All resolutions adopted or contracts approved by the council in cities of the third class involving the expenditure of money and every ordinance passed by the council must bear his approval. If he fails to approve it, he must report to the council, when it may be passed over his veto by a majority of two thirds of the members voting in the affirmative. In case of a temporary or permanent vacancy occurring in the office of mayor, the city council elects a qualified person to fill the office until the return of the mayor or until the next municipal election. The foregoing applies to cities of the third class only. In cities of the first and second class, when a vacancy occurs in the commission, it is filled by the election of a qualified person by the members of the commission. In case of a deadlock in the election of a new member, the auditor is authorized to vote so as to secure an election.

In all the cities all ward divisions are abolished and the city votes as a unit for five councilmen or for three or five commissioners. The purpose of this method of voting is to secure, if possible, men who are interested in the whole rather than certain sections of the city.

In cities of the third class the council is the legislative department of the city, but in cities of the first and second class this authority is now transferred to the Board of Commissioners. A city council in cities of the third class is divided into committees by its own regulations, and the members are assigned to the several committees by the presiding officer; but in the case of the Board of Commis-

sioners the several departments are established by law and immediately upon organization one member must be assigned to have charge of one or more departments.

These departments are: Public Affairs and Finance; Water Supply and Water Works; Public Safety; Streets and Public Improvements; Parks and Public Improvements. One member may be assigned to not more than two departments. In cities of the first class the law provides that each department will be under the charge of a member; but in cities of the second class, where there are only three commissioners, it will be necessary to place two departments under one head.

This Board of Commissioners is to be a board of directors to manage the affairs of the city. They are required to meet at least four times a week and transact the business of the city, including the passage of the necessary city ordinances and of the appointment of the required city officers and employees. It requires a majority of the members to constitute a quorum to do business when legally passed. An ordinance or law goes into effect when deposited with the city recorder and published at least once in some paper published within the city; if there is no paper published within the city, then by posting in three public places in the city.

The laws of the state have given the city councils and city commissioners power to deal with the following subjects within the city limits: to control the finances and property of the city; to levy and to collect taxes; to determine the terms upon which licenses may be issued; to erect municipal buildings; to borrow money; to issue bonds when approved by a vote of the people; to lay out, manage, and improve streets and sidewalks; to purchase and establish waterworks and gas and electric light plants and street cars; to

protect the water supply of the city for a distance of ten miles above the intake by proper supervision and police regulation; to make regulations for trains passing through the city and to require the railroads to establish the necessary crossings; to regulate or prohibit the manufacture or sale of intoxicating liquors or beverages and, in case the town, after an election, sees fit to license the business of liquor selling, to fix the conditions under which it may be sold and the amount to be paid for the permit to sell the same. However, in the case of the sale of liquor the state law determines nearly every regulation. To pass ordinances covering a large number of minor crimes, such as drunkenness, disturbance of the peace, vagrancy, nuisances, etc., and also providing for the trial and punishment of the same; to provide for the storage and sale of explosives and the inspection of elevators and steam boilers; to establish a fire department and the necessary fire regulations for the city, including the construction and inspection of buildings for the prevention of fires; to make rules governing the sale of milk and vegetables, and the slaughtering of animals for food, providing for proper sanitary conditions.

City Auditor. — In addition to the election of three or five commissioners for cities of the first and second class, each city elects an auditor. The purpose of electing an auditor directly by the people is that he will be independent of the commissioners and can refuse to allow the payment of any claim which is not both legal and just. If he were elected by the commissioners, he would be subject to their wishes or could be removed. Elected as he is, directly by the people, he is independent and can refuse to allow improper expenditures. Many people assume that an auditor is merely a bookkeeper. This is not true. It is his duty to see that the funds of the city are lawfully expended.

Direct Primaries. — Up to the year 1911 candidates for city offices were nominated by the old method of mass primary and city convention. A primary was called in every voting district, and it selected delegates to the city convention. Ordinarily few attended the primary, and they were interested politicians. This gave them control of the primary and later the convention. The result was, as a rule, the nomination of politicians and their friends. To do away with this method, a law was passed in the legislative session of 1911 providing for the establishment of the direct primary in cities of the first and second class.

The direct primary is an election which precedes the regular election. At the direct primary election the people may vote for any person or persons they see fit. In order for the candidates to get their names upon the official primary election ballots, it is necessary to file a petition, signed by one hundred qualified voters, asking that the names be placed upon the ballot, but the voters are not bound to vote for the names on the ticket, but may write in any names they please.

The primary election is held two weeks preceding the regular election with the same judges presiding. Every registered voter is entitled to go to the polls and to indicate his choice of persons for the various offices. When the election is over, the votes are counted by the judges and canvassed by the clerk. The two persons having the highest number of votes for each office are placed upon the official ballot to be voted at the general election, which is to follow immediately.

Neither at the primary election nor in the general election, which is to follow, are any party emblems of any kind used. Formerly, the parties used a picture of an

eagle, a rooster, etc., as a party emblem, and many voted their party ticket straight. The aim now is just as far as possible to make the election nonpartisan. The only persons voted for at either of the elections are candidates for the offices of commissioner and candidates for the office of city auditor, as before indicated; all other officers, such as city recorder, are appointed. The old way was to vote for a multitude of persons for various offices. These persons are now to be appointed by the commissioners.

City Recorder. — The city recorder is appointed by the commissioners for a term of two years and at a salary fixed by that body, and in cities of the third class the recorder is elected at a salary fixed by the council. The recorder is really the secretary and bookkeeper of the city. He is required to keep an office at such place as the city commission or council may direct; to make a record of all meetings; to sign all contracts; to audit all accounts and to keep the commission or council properly and fully informed as to the finances of the city.

City Treasurer. — It is the duty of the city treasurer to receive and keep all the funds of the city and to pay them out only upon lawful warrants which have been properly issued to pay appropriations made by the council or commission. The treasurer has charge of the public funds and for this reason should always be an honest and capable man. In the case of the treasurer the law of the state should provide that the funds must be deposited with a reliable bank paying the highest rate of interest for deposits and furnishing the necessary guarantees. In many states the public funds are placed in reliable banks at interest, and in this way the state, counties, and cities are gainers every year to the extent of a large sum. In cities of the first and second class the treasurer is elected by the com-

mission, and cities of the third class by the people, at a salary fixed by the commission or the council.

Marshal and Police. — The chief of police in cities of the first and second class is appointed by the commission for a term of two years unless sooner removed; in cities of the third class by the mayor, upon the approval of a majority of the council. He has charge of the police or peace work of the city. It is his duty to prevent crime, suppress disturbances, breaches of the peace, and faithfully enforce all laws of the state and ordinances of the city. Where possible, the police officer should prevent crime against property rather than to allow the crime to be committed and then arrest the offenders.

The chief of police or his subordinates are required to serve every kind of writ issued by a city justice or justice of the peace. Whenever persons have committed crimes, it is the duty of the marshal or chief of police to arrest them. As already indicated, it would be impossible in many cities of the state for the marshal to do all the work; so the council or commission can create a police department, provide the necessary officers and define their terms and duties under the direction of the chief of police. The commission may remove any officer at any time and likewise, in cities of the third class, the mayor, with the approval of the council.

A good, efficient police department is of great advantage in any city. It is the safeguard against the criminal element, which plays an important part in any large city. It takes well-trained men to prevent crime and to capture criminals. As a consequence, it is now the rule in cities that police officers shall not be dismissed for politics, but only for inefficiency. This is an excellent plan and should obtain in Utah, as well as in many other parts of the United States and in European countries.

Fire Department. — In most of the larger cities of the state a fire department is organized along the same lines as the police department. The head officer is called the chief of the fire department and the other officers are called firemen. The fire department is an expense to the city, but as a rule it earns the money spent many times over in the prevention of fire and the putting out of fires. It also tends to keep the insurance rates very much lower than they would be if there were no fire department.

City Engineer. — Sanitary and civil engineers have become a necessity for every modern town or city. In Utah in cities of the first and second class the office of city engineer is created. The city engineer is appointed for a term of two years by the commission, at a salary previously fixed. The service of an engineer is necessary when streets or sidewalks are to be paved or a water or a sewer system to be installed or bridges to be built. He makes the required surveys for the sewers and water mains, establishes the correct grades for the streets and sidewalks, and sees that the work is properly done; and prepares the plans and oversees the construction of bridges. In order to prevent the wasteful expenditure of money, it is very essential that such important and expensive improvements be properly cared for by a competent person.

Water Works Department. — In every modern town and city a plentiful supply of pure water is one of the necessities. The larger cities of the world expend millions to get sufficient water to supply the inhabitants. Many of the towns and cities of Utah have been very slow in securing an adequate supply of pure water, until now it will cost heavily to buy the water and also provide means of conveying it to the town. In order to care for the water, to see that it is kept in the mains and properly distributed, the

mayor and city council, in cities of the third class, and the Board of Commissioners, in cities of the first and second class, are authorized to appoint a superintendent of water works.

Department of Sewers and Sanitation. — Of next importance to a good supply of pure water is an efficient sewer system. Where cities have provided a supply of pure water and a good system of sewerage, typhoid fever has decreased considerably. Where the sewer system is of sufficient importance, the city or town government is authorized to create a department of sewers and sanitation and to create the necessary officers to take charge.

Health Department. — In modern life where people associate closely together in almost every activity, it is easy for many diseases to be transmitted from one person to another and in that way spread all over the entire community, causing a great deal of sickness and many deaths. To prevent such a condition the law provides for the creation of a city or town board of health to consist of three or five persons, one of whom when practicable shall be a physician, a graduate of a regularly chartered medical college, who shall be the executive officer of the board and be known as the health officer. The Board of Health has power to supervise all matters pertaining to the sanitary conditions and authority to order all nuisances or the cause of any disease removed.

The members of the boards of health are expected to use diligence to discover the presence of any contagious or infectious diseases. Where cases of infectious or contagious diseases are found, it is the duty of the Board of Health to isolate them and, when the persons recover, to disinfect the premises. Many people little realize how much suffering, and in many cases death, they cause by a

failure to report cases of infectious and contagious diseases to the health officer and, as far as possible, to observe proper rules and regulations for the prevention of the spread of diseases.

Separation from Cities. — Whenever a majority of the real property owners of any territory lying within the borders of any city desire to be separated from the city and petition the district court in which the city is located, at the same time filing a map of the section with the clerk of the court, the court shall order proper notice to be given and fix a date for a hearing of the case. If, after a full and complete hearing, the court feels that justice and equity require that such territory or any part of it should be separated from the city, then it shall order separation to be made and appoint three commissioners to adjust the terms upon which the part shall be severed. The report of the commissioners will be made a part of the decree of the court.

QUESTIONS

1. Why do we need a local government?
2. What is the meaning of the word township in Utah?
3. How are the cities in Utah classified?
4. In which class does your city belong?
5. What is meant by the commission form of city government?
6. What are supposed to be its merits?
7. Should the fire or the police department be subject to politics?
8. Why should the city engineer be a well-qualified person?
9. How is the health of the people in a large measure dependent upon the efficiency of the Board of Health?
10. How does the supply of pure water for a town or city affect the health of the people?

CHAPTER VII

EDUCATION

FROM the earliest settlement of Utah the people have been interested in education. In the beginning, however, education was mainly a private concern, carried on by some person for very small wages, but primarily to give the boys and girls of the frontiers the rudiments of an education. As early as October, 1847, Miss Mary Dilworth opened a school for children inside of the "Old Fort" in a tent, and logs were used as seats. Several similar schools sprang up in different parts of the state as necessity demanded. The territorial legislature as early as 1850 provided for the establishment of the University of Deseret (now Utah) and made an appropriation of \$5000 a year for twenty years for its maintenance. The first work was the creation of a parents' school and a course for the preparation of teachers. An empty territorial treasury made it impossible for the university to continue and from then on until 1867 it possessed only a nominal existence. The Board of Regents, however, were regularly appointed and held general supervisory power over the schools of the territory. At a meeting of the Board of Regents of the university held in 1853 it was decided to introduce a new alphabet and a new system of phonetic spelling. Parley P. Pratt, Heber C. Kimball, and George D. Watt were appointed a committee to prepare the new system. It was duly prepared with thirty-six characters and new letters and known as the Deseret alphabet.

As originally established the university was given a broad foundation for work, including languages (ancient and modern) arts, sciences (theoretical and applied), philosophy, mathematics, etc.

Some years later the legislature authorized the Board of County Commissioners to divide the county into school districts and also provided for the election of trustees for each district. In the same act provision was made for the levying of a tax of two and one half mills on the property of the district. If two thirds of the taxpayers of a district at a special election, called for that purpose, expressed themselves favorable, the levy could be raised to three mills. The power here granted to the districts was used in only a few instances.

In the fall of 1867 an educational institute was established by the Board of Regents of the University of Deseret and conducted mainly as a commercial academy. In 1868 classical, scientific, and normal departments were added. As a matter of fact, however, the work done was rather of a high school nature than of college grade. Students of both sexes were admitted, and in 1871 there were 546 in attendance, but in 1884 only 288. The decline was due to the lack of preparatory schools.

The laws for the maintenance of the public schools were changed. The local tax had been used only occasionally. From time to time the legislature had appropriated small sums ranging from \$5000 to \$25,000 for part support of the public schools, to be distributed among the various districts according to school population and attendance. In 1878 the old law was repealed and a new one enacted providing for a territorial levy of three mills on the taxable property of the territory for the maintenance of the common schools.

Previous to the enactment of this law and for years after, the main support of the public schools of the territory was by a tuition charge made upon the attending pupils. The term charge was from \$2.50 to \$8 per pupil. The amount expended upon the schools in 1878 was \$218,515.10; of this amount \$66,555.30 came from the tax levy of three mills and the balance from tuition. Just to show the advance, it may be well to state that the amount spent in 1910 for the maintenance of schools was \$3,182,874.29.

In 1878-1880 the legislature appropriated \$20,000 for the support of the university, and the city of Salt Lake gave it the finest square in the municipality. In 1882 the university maintained an academic, a normal, and a preparatory department. High school work was the great demand of the territory, and the school attempted to supply that need. It established a branch in Provo in 1870.

In 1889 a law was enacted establishing the Agricultural College at Logan. At that time few, if any, comprehended its aim or destiny. No one seemed to regard it of any special importance. Little the promoters themselves realized that it was to become one of the chief educational factors in the state and one of the leading institutions of its kind in the Western states.

In 1890 the legislature of the territory enacted a law creating a system of free education for all the children of Utah. It provided for the continuance of the territorial tax levy for school purposes and added a county and district levy. Tuition charges were forbidden.

One of the defects of the law was that it did not provide for state aid to high schools. This omission was due in part to the fact that most of the high school work, except in the large cities, was done in state or church high schools.

With the development of high schools throughout the state, the state constitution was amended in 1910, granting state aid to high schools.

During recent years the University of Utah and the Agricultural College of Utah have made rapid advancement. The appropriations for each have been materially increased. The character of the work in these schools has advanced to a much higher plane, so that each in their respective spheres compares very favorably with work of similar institutions in the Western states. By a law passed by the legislature in the session of 1911, each institution was granted for maintenance a definite part of the revenue of the state.

While it may seem to many of us that the early grants to education in the territory were small, by comparison with other territories, they were equally as large, if not larger, and that out of the poverty of early settlement the people of this commonwealth were always liberal in the support of education.

The state constitution, Art. X, Sec. 2, provides that the school system shall consist of the kindergarten schools; common schools, consisting of primary and grammar grades; high schools, and agricultural college; a university and such other schools as the legislature may establish. This provision of the constitution confirmed the existing condition pertaining to the grade schools which had been established by the law of 1890. The schools are dependent upon the state for maintenance. Art. XIII, Sec. 7, of the state constitution provides for a general levy of eight mills, three mills of which are to be set aside by the legislature for the support of the kindergarten, primary and grammar grades schools and one half mill for high schools. The University of Utah secures its support from interest upon

invested funds under the control of the Board of Land Commissioners and allowances made by the legislature from general state incomes derived from the four and one half mill tax. The Agricultural College secures its support from interest upon invested funds under the control of the Board of Land Commissioners, federal appropriations and allowances made by the legislature from the general state income derived from the four and one half mill tax.

All the state schools are free except that the university makes an entrance charge of ten dollars and the Agricultural College, five dollars. In the constitution, as originally drawn, the high schools, the people's colleges, were not provided with state support. This condition was remedied by the constitutional amendment adopted November, 1910, setting aside one half of one mill for the maintenance of high schools from state income.

The general control and supervision of the public schools system is under the state board of education. This board consists of the superintendent of public instruction, chairman, the president of the University of Utah, the president of the Agricultural College of Utah, and two persons appointed by the governor, with the consent of the Senate, to serve for a term of four years. To this body is delegated the general supervision of the public school system of the state, not including the university and the Agricultural College. It has power to grant diplomas and to issue certificates to persons qualified to teach in the public school system. It can also revoke diplomas and certificates for cause. At the head of this body is the superintendent of public instruction, who is elected by the people for a term of four years.

Of all state offices, except that of governor, the office of superintendent of public instruction is the most im-

portant. The labor of creating and building up an efficient school system is dependent, in a large measure, upon his energy and intelligence. As he is the head of the system, his ideals and aims will be apt to predominate in the state school system.

High Schools. — From the sparse settlement of many of the counties of the state it is impossible to establish an inelastic and uniform system of high schools. The larger cities desire to maintain high schools of their own, independent of the remainder of the county in which they are situated. Some counties are too large to constitute one high school district and must necessarily be divided into two or more; others desire to be a high school unit. In order to provide for all of these contingencies, the legislature at the session of 1911 enacted the high school law which provided for the distribution of the state high school fund and for the creation and organization of the high school districts.

Distribution of Funds. — The state constitution and laws provide for the collection annually of one half of one mill on all the taxable property of the state for high school purposes. These funds are to be apportioned among the high schools of the state that conform to the conditions and standards imposed by the State Board of Education, according to the number of students in attendance for twenty weeks during the year. In order to determine whether the high schools are maintaining the necessary standards, the State Board of Education is authorized to appoint a state high school inspector.

Each county within the state is constituted a high school district, except cities of the first and second class and consolidated county districts. These are left subject to the jurisdiction of the boards of education.

In all counties, except the consolidated districts and

cities of the first and second class, the county superintendent of schools is required to report to the county commissioners as to the desirability of retaining the county in one unit or dividing it. Upon the receipt of this report the county commissioners are required to give notice by means of the newspaper or by other means of a public hearing. If objections to the proposed unit are filed, they are to be duly considered and the commissioners shall then act according to their best judgment. The common school districts shall not be subdivided for high school purposes.

When once the high school districts are established, they are to be under the control of a Board of Education, which is to be composed of the county superintendent of schools and a member of the board of trustees of each common school district within the high school district, who shall be elected by the board of trustees of such common school district.

As soon as this board is properly organized, it shall call an election of the qualified voters to determine whether they desire to maintain a high school or schools within the district and at what place or places shall it be located. If the majority is in favor of the maintenance of a high school, the board is then authorized to levy a tax in an amount not to exceed five mills on all the property of the high school district. In addition to the foregoing the board is authorized to employ teachers; to manage the high schools; to buy and sell property for school purposes; and to call elections for the purpose of securing an expression of the citizens in respect to issuing bonds for high school purposes.

County Superintendent. — In all counties where the consolidated county district does not prevail a county superintendent of schools is elected for a term of two years. He is the immediate supervisor of the schools of the

county. Upon him rests in general the duty of visiting the schools and the reporting of the progress of the work to the trustees of the several school districts. He is also required to report the number of children of school age in the county to the state superintendent and, when the state superintendent makes a division of the school funds to the several counties of the state, it is his duty to divide them among the school districts of the county according to the school population.

Trustees. — All school districts, except cities of the first and second class and consolidated counties, elect a board of three trustees for a term of three years, one retiring each year. These officials are placed under bond by the county clerk. They are required to organize within twenty days after election by appointing one of their members chairman, and one secretary and one treasurer. As soon as the organization is completed, the board is required to notify the county superintendent.

The school trustees have general charge, direction, and management of the schools of the district. They care for the property belonging to the district, employ the necessary teachers, supervise the erection of school buildings, expend the school funds, purchase textbooks, cause a census annually to be taken and levy the local taxes necessary for the maintenance of the schools provided that the levy cannot exceed ten mills.

The care, keeping, and welfare of the schools in districts outside of cities of the first and second class and consolidated county districts is in the hands of these men, many of whom give liberally of their time and ability to build up the schools.

In cities of the first and second class and consolidated county districts a slightly different system prevails. The

city or the county (the county may be made into two or more consolidated districts) constitutes one school district. Each city or county is divided into five municipal wards. In cities of the first class each municipal ward elects two members of the board, making a total membership of ten. Their term of office is four years, half retiring biennially. In the consolidated county districts, and in cities of the second class the districts are divided into five wards, and each ward elects one member of the school board for a term of four years. In the case of the county district the term of three members expires at the end of two years to begin with and two at the end of four years. This is in the beginning; thereafter they serve four years, the purpose being to keep some experienced members always on the board. In cities of the second class the terms of all the members expire at the same time.

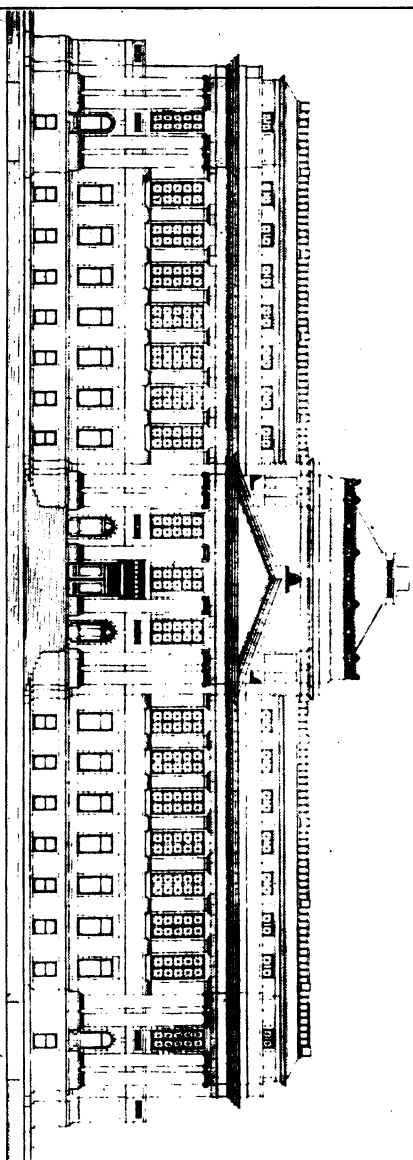
In cities and consolidated county districts the management of the school is entirely under the control of the board. Up to a certain extent it levies the taxes, elects the superintendent, expends the school moneys, and, upon the recommendation of the superintendent, engages the teachers. It is by far the best system as yet devised. The board usually selects the superintendent for his ability as a schoolman, and he becomes an active force in the direction of the school affairs. Furthermore, the board soon discovers that the services of a good officer are essential to the successful management of the schools and retains him for an indefinite period. Where a mistake is made and an incompetent man elected, the board is in a position to, and should, ask for his resignation without waiting for the expiration of his term. The welfare of hundreds of children is dependent upon his ability to conduct the schools.

The political institutions here described have general

supervision over common and high schools of the state. The School for the Deaf and Blind at Ogden, the Industrial School at Ogden and institutions of higher learning, such as the Agricultural College of Utah at Logan and the University of Utah at Salt Lake City are all under the control of boards, the members of which are appointed by the governor or are *ex-officio* members.

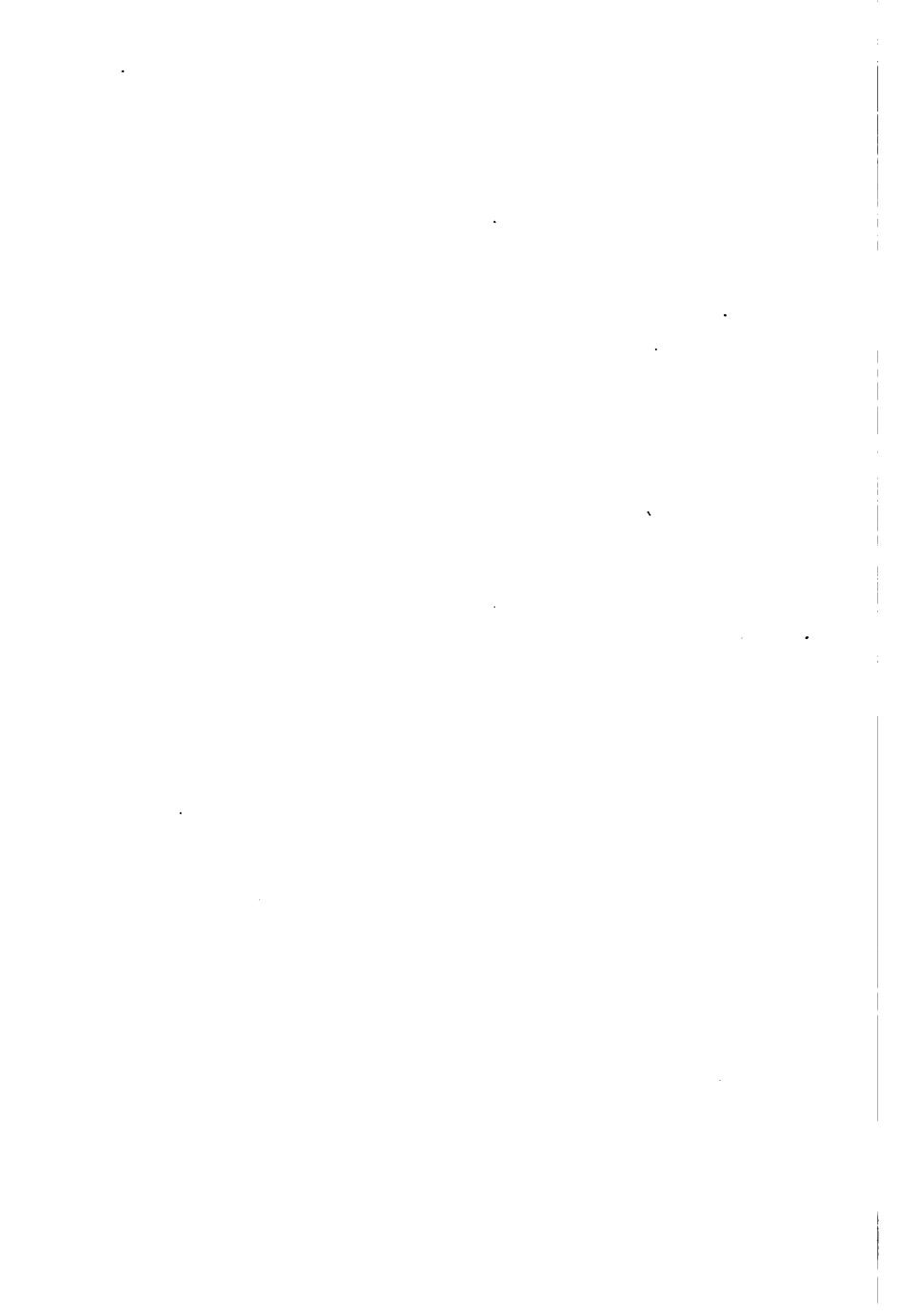
Agricultural College. — The Agricultural College of Utah is controlled by a Board of Trustees consisting of thirteen members, twelve of whom are appointed by the governor for a term of four years, and the secretary of state. The terms are so arranged that not more than six retire at one time. These trustees elect a president, secretary, and treasurer and appoint the president of the faculty, commonly known as the president of the college, and, upon his recommendation, the members of the faculty and other employees of the school. The revenues of the college are received from interest from funds derived from the sale of lands granted to the state by the federal government at the time of statehood. These funds are under the control of the Board of Land Commissioners. In addition the federal government makes an annual appropriation of \$75,000 for station and college work. In 1911 the state legislature passed a law setting aside twenty-eight per cent of the state's revenues for the maintenance of the University of Utah and the Agricultural College and the Branch Normal School at Cedar ; 28.34 per cent of the 28 per cent go to the college.

University of Utah. — The University of Utah is controlled by a Board of Regents consisting of twelve members and the secretary of state ; their term of office is four years. The appointments are so made by the governor that not more than six can retire at one time. The re-



WEST ELEVATION
CENTRAL - BUILDING - UNIVERSITY - UTAH

ARCHITECT: J. W. HARRIS
ENGINEER: J. W. HARRIS
DRAWN BY: J. W. HARRIS



gents elect a president, secretary, and treasurer, and also the president of the faculty, commonly known as the president of the university, and, upon his recommendation, the members of the faculty and other employees. The institution is supported by interest received from funds derived from the sale by the state of lands granted to the school by the federal government. The funds, as well as those of the Agricultural College, are under the control of the Board of Land Commissioners. In addition to this the university receives about 64.43 per cent of 28 per cent of the revenues of the state for maintenance.

The fields of higher education and the investigation of scientific problems pertain to the work of the university and the college. These lines of work are expensive, but as we live in a democracy where the people are not only expected, but required, to solve the difficult scientific, sociological, and political problems of the state, avenues for educational training and scientific investigation must be kept open for all who desire to do such work. A failure to do so means a standstill in the progress of civilization.

Industrial School. — The Industrial School, commonly known as the Reform School, is supported by interest derived from a fund provided by the sale of lands given to it by the federal government and by appropriations made for its maintenance by the state. It is governed by seven trustees, consisting of the superintendent of public instruction, the attorney-general, and five members appointed by the governor for a term of four years. The board elects a superintendent to supervise the institution under its direction. The pupils of the school are all sent to it by the juvenile court. The object of maintaining this institution is to prevent boys and girls becoming criminals and to reform the wayward.

School for the Deaf and Blind.—The School for the Deaf and Blind is maintained by the state and by interest derived from funds secured by the sale of lands given the school by the federal government for the benefit of the defective children of the state. It is governed by a board of five trustees appointed by the governor, with the approval of the state Senate, for the term of six years, with the attorney-general as *ex-officio* member. The board elects a superintendent to supervise the school under its direction.

The work of the two last-named institutions is to care for those who are defective either physically or morally. The world is coming to realize that the morally weak need just as much scientific study and care as those who are physically defective. It is equally a work for the specialist.

QUESTIONS

1. Who was the first school-teacher in Utah?
2. What was the kind of schoolhouse in use?
3. When was the university organized?
4. What was the Deseret alphabet?
5. What was the kind of work first undertaken by the university?
6. When was the Agricultural College organized?
7. How are the University and the Agricultural College maintained?
8. What is the special work of the Agricultural College?
9. When were free common schools established in the state?
10. How does the state help to support the common schools?
11. What should be the qualifications of the county superintendent of schools?
12. Should he be subject to politics?
13. How are the boards of education in the cities elected?
14. Should all the members be elected at the same time?
15. Explain the work of the Industrial School and School for the Deaf and Blind.
16. How are they maintained?

CHAPTER VIII

TAXATION

GOVERNMENTS must have money. Without it they cannot carry on their affairs. This is equally true of all departments. Modern governments do much, and we need only to look about us to see how many public things require support. The town has streets to lay out and to keep in repair; new crossings over canals to build; water systems to install and maintain; a town hall to erect; and town officials, who give all or part of their time to the services of the public, to pay. The city is in reality only a large town, but on account of its size much more must be done; even more, in proportion to population, than a town. Streets must be paved, sewers constructed, streets sprinkled, a fire and police department maintained, water and light provided. Many of these things small rural communities do without.

The county in its turn must build and maintain an extensive system of county roads, bridges, and drains, care for the poor, hence the maintenance of the poorhouse and poor farm. Most of the county officials must give their full time to the county and must be paid adequate salaries. The judges and district attorneys are paid out of the state treasury. The state has many officials, who must be paid for full time. It is seldom that the militia is called into use, but at considerable expense it must be kept up so that when it is needed it will be ready for service. Besides, the state maintains several public institutions, such as the

university, the Agricultural College, the Mental Hospital, the School for the Deaf and Blind, the Industrial School, and the State Prison, all of which require large sums for maintenance. The public school system, too, is a charge, in part, on the state. To support the foregoing, the state is allowed to levy a total of eight mills on the dollar of assessed valuation, three and one half of which go directly to the common and high schools. The provision for all other institutions and charges must come from four and one half mills.

The simple mention of these numerous things, and many more not mentioned, will easily convince any one of the great need for money. The question arises, Why does the state do these things and how does it secure the money? These expenditures are made by the public because the desired object can be better accomplished by all the people acting together than by each person acting separately. In fact, individual action in most cases would be impossible and all must work in union to provide for the common interests. In this case the common interest is represented by the state government and its control and supervision.

The means by which the necessary money is secured is known as taxation. The public officials whose duty it is to care for the public welfare and make expenditures, make an estimate of the money needed and report the same to the tax officials. They in turn fix the percentage necessary to raise the desired amount and apportion it among those who are to pay it according to the property owned.

The legislature has given the State Board of Equalization authority to levy the state tax, which shall not exceed eight mills. As already indicated, this money when collected is divided as follows : three mills to common schools;

one half mill to high schools; and four and one half mills to state expenses.

The Board of County Commissioners, the Board of City Commissioners, the city councils, town boards, and the various boards of education are authorized to make levies to meet their requirements within the limitations fixed by law.

The county commissioners can levy not to exceed five mills on the dollar for general county purposes; not to exceed one mill on the dollar additional for the maintenance and relief of the poor; and not to exceed four mills on the dollar for district school purposes. The city council or Board of Commissioners may levy not to exceed five mills on the dollar to defray contingent expenses; not to exceed ten mills on the dollar to purchase water sources, streams and lands, and to construct waterworks; not to exceed five mills on the dollar to improve and repair the streets and sidewalks; not to exceed five mills to construct and repair sewers and drains; not to exceed ten mills on the dollar to construct and maintain gas works, electric light works, telephone lines, street railways, or bathhouses.

The city council and Board of Commissioners are authorized, upon the petition of the owners of one third of property fronting on a certain described district, to levy special taxes for sidewalks, sewers, street paving, water mains, etc., where the benefit derived goes chiefly to the abutting property, or the city council or Board of Commissioners may order the levy made for betterment improvements, but may be prevented if the owners of two thirds of the abutting property protest. The city is also authorized to collect licenses for the privileges of carrying on various lines of business within its limits.

The town board may levy not to exceed one fourth of

one per cent on the assessed valuation of the property, unless two thirds of the voters voting at a special election, called for that purpose, shall vote a larger per cent, but in no case can the tax exceed one half of one per cent.

The several boards of education are allowed to levy taxes for the support of the schools under their charge. In cities of the first and second class and consolidated districts the board can levy eight mills for maintenance; one and one half mills for building and grounds; and enough additional to pay the interest and sinking fund, if there is any bonded indebtedness. Anything above this can only be levied by a special vote of the people. In school districts outside of cities of the first and second class and consolidated county districts the trustees are authorized to levy not to exceed ten mills a year unless a larger levy has been decided upon by the voters at a special election called for that purpose.

The assessment of the property for all purposes is done by the county assessor; the collection of all taxes whether for state, county, city, town, or school district is made by the county treasurer.

QUESTIONS

1. What is a tax ?
2. Why is it necessary to levy and collect taxes ?
3. How is the amount of the levy determined ?
4. Who assesses the property ?
5. Who collects the taxes ?

CHAPTER IX

PENAL AND CHARITABLE INSTITUTIONS

THE only state penal institution is the state prison. It is under the control of the board, as already described (p. 74). The board appoints a warden of the prison, whose duty gives him direct charge of the institution and the prisoners. Whenever a man violates the law and is brought before the state courts, he may, if the law so provides, be sent to the state prison to pay the penalty for doing wrong. Once there, he is made to obey very strict rules and each night is made to sleep in an iron cell. The law now provides that prisoners may be used to build public roads. The chief aim in dealing with these unfortunate men should be to reform them and to teach them to lead a better life.

The School for the Deaf and Blind at Ogden is a state charitable institution. It is under control of a board and a superintendent. Those devoid of sight or unable to hear are very unfortunate, and the state very properly has undertaken to care for them and to provide means to educate them. Many of them, after years of proper training, become able to help themselves considerably. The chief purpose, however, is to enable them, even though defective in their senses, to enjoy life.

State Mental Hospital. — The State Mental Hospital, or insane asylum, is located at Provo and is under a board of control. The purpose of the institution is to provide and care for those unfortunates who have lost their reason. The

aim is, if possible, to restore the reason by proper psychological and medical treatment, but if this fails, to give them the best possible care under the circumstances. Insanity is an illness and should be treated as such.

QUESTIONS

1. Why should the state maintain a penal institution ?
2. What should be the aim of those in charge of men and women in a penal institution ?
3. Why should the state maintain the Mental Hospital and the School for the Deaf and Blind ?

CHAPTER X

POLITICAL PARTIES

IN all countries having free government, where men are supposed to think, there is bound to be a difference of opinion as to how the state should conduct its affairs. Many persons are liberal or progressive in their ideas, while others are conservative. For this reason they will naturally fall into two large groups. Outside of these there will be many citizens who will not join either of the larger groups, but form into smaller groups for the promotion of some special reform. These several groups either take on or are given a name and are then known as political parties. Parties are necessary in popular government. They are the means by which the voters get together, and gain control of the government, express their will, and enact their ideas into law. Very often the small parties have great influence in forcing the larger parties to adopt the particular reforms for which they stand in order to get their support.

Parties are a good, if wisely managed, but it is well to remember that they may become very corrupt, and the only safeguard against political corruption is a wide-awake citizenship and a strong opposition party. Many persons, particularly the active political workers, become strongly biased against their political opponents. Their prejudice is often carried to such an extent that it enters into all the affairs of life. An important thing to remember is that the average American, no difference to what party

he may belong, is a good man. Every American citizen should have a high ideal of the right. He should at all times act independently upon his own conviction; and having done so, should freely accord to every other individual the same right, and it should not in the least change his opinion or affect his attitude toward his fellow citizen. The evils of party government begin to appear when party managers try to make use of the party for private use or personal advancement. In order to accomplish this, they attempt to convince the voters that patriotism and partisanship are the same and that loyalty to the party and to the state are the same thing. They are by no means the same, and very often, where corrupt men are strongly entrenched in the control of the party, a revolt is the only method that will cause the party to cleanse itself or remove the evil. These evils creep into party control very frequently through the indifference of many of the people in the affairs of government or of the nonparticipation of a class of citizens who feel that they are too good to mingle in politics.

Before the adoption of the Constitution the people of the United States had divided into national political parties, and such divisions have continued down to the present. The national political parties have also extended into the states and even into the cities and villages, until national divisions now govern in the most trivial matters. Just why a man's belief in protection or free trade or the possession of the Philippine Islands should enter into the election of a county commissioner or school trustee is impossible to explain, except on the ground that in order to win national elections, the political machinery must be kept in operation and the voters lined up. It must be, however, borne in mind that for the average citizen it is much easier

to align himself with a party and remain there than it is to realign himself with a new party for every subdivision of our government. In most foreign nations the national parties do not control in local elections. Voters divide locally according to their position in respect to the question before them for decision, national parties being entirely ignored.

The temporary success of any political party depends in a large measure upon the completeness and efficiency of its organization. In the long run, however, any party to retain the confidence of the public must make its primary purpose the service of the people. To do this, it must be under the leadership of strong, capable, honest men, who aim to make it progressive and to keep it free from corruption. If this policy is pursued, the young voters will join it, and the old members of the organization will remain its enthusiastic supporters. Too often, for temporary advantage, the opposite policy is pursued and the party organization becomes merely a means for securing both elective and appointive offices for its followers. Under these circumstances the party machinery usually falls into the hands of a boss or a group of office-holders whose purpose is to exploit the government for the benefit of themselves and their political friends. When this is done, the party soon loses the confidence of the public and can retain the control of the government by corrupt methods only. It is the real object of all party organization to bring about good government and when it fails, it has no reason for existence.

The organization may be divided into two general divisions, the primary and conventions and the committees. The people in the primaries and conventions nominate the ticket and elect the managing committees. These committees when elected manage the election campaigns. The primary is a meeting of the voters in a ward or precinct

for the nomination of candidates to fill the local offices to be voted upon by the people at the next election and also for the election of delegates to a convention. The primary is the most important and at the same time the weakest part of the American political machinery. It is the most important because it is here that the delegates are chosen who shape the policy of the party and at the same time place men in nomination for all the more important offices, and good government depends more on good men than on any party. If the primaries are left in the hands of politicians in both parties it is next to impossible for the people to control, for it does not matter which ticket they vote, they get the same class of men. All that is left in that event is the choice of two evils.

At the best it is difficult for the average citizen to control in a primary. He usually goes there with no pre-arranged plan, whereas the politician aims to control through his friends. He is careful to see that they are all there on time and in sufficient numbers to have a majority in the meeting and to elect the delegates which in most cases, have been previously agreed upon.

The only avenue then left is revolt against all parties, which is exceedingly difficult. If so many of the so-called better citizens would come out and attend the primary, it would give them the control and not leave it in the hands of men who operate it for their own personal gain. It is useless to complain when all is over; the best place to improve conditions is at the primary.

To overcome the evils which have developed in the primary, many states are enacting primary election laws, which provide for a preëlection to determine who shall be the candidates for the respective parties. It aims to do away with the need of primaries and conventions and

places the matter right up to the citizens to decide by vote which persons they want to represent them at the regular election. We have this system, as has been already described, in cities of the first and second class.

The convention is a meeting of the delegates elected at the several primaries for the purpose of nominating candidates for public office and, in many cases, electing, from its own body, other delegates to, perhaps, state or national conventions. For it should be borne in mind that it is at a convention that the President of the United States is nominated, as well as Congressmen, governors, district judges, and attorneys and county officers. The national, state, county, and city conventions usually adopt platforms outlining the policy of the party.

The proper management of the primaries and conventions is a very important matter if the nomination and election of good, competent men are to be secured for public office. The management of the campaign preceding the election, and the selection of proper committees, is very essential if the party hopes to be successful.

There are also permanent organizations lasting from one campaign to another. The national committee to conduct the presidential campaign is elected by the national convention, but the members from the respective states are named by the delegation at the convention from the particular state. The national committee, in connection with the presidential candidate, names the national party chairman. The delegates to the state convention are usually selected by county convention or by primaries. When it is thought best to use the primaries instead of holding a convention, the delegates are distributed among the precincts according to population. The state convention elects a state committee to conduct the state campaign, but the members from the

respective counties are really named by the delegation in attendance from that county. The state committee when formed elects a state chairman and he appoints an executive committee. In the county the county convention itself may select the chairman of the several precincts of the county. The chairman appoints an executive committee. The chairmen of the several districts of the city constitute the city committee, which usually selects a chairman, who appoints his executive committee. The success of the election depends in a large measure upon the energy and ability shown by the members of the party and in securing the floating vote. This is done by speeches, parades, the organization of clubs, and sometimes by the corrupt practice of purchasing votes. The last-named method should meet with the strong disapproval of every honest citizen, because democratic institutions can only succeed by honesty at the ballot box and efficiency in office.

Nomination by petition may be made whenever the required number of names can be secured by any one who desires to become a candidate for office. It is frequently resorted to when the nominees of both parties are so objectionable that it is felt that an independent candidate can win.

QUESTIONS

1. Why do we have more than one party ?
2. Is it right to become strongly partisan ?
3. Should a party be used to gain personal ends ?
4. Is a revolt against a party ever justified ?
5. What effect has an organization upon the success of a party ?
6. What is the main reason for a party ?
7. What is a primary ? a convention ?
8. What is the work of the party committees ?
9. Why is the primary so important ?
10. How are candidates nominated by petition ?

CHAPTER XI

REGISTRATION AND ELECTIONS

THE county commissioners constitute a board for the appointment of registration officers. The law requires that it appoint one registration officer for each voting district who is of the same political faith as the majority of the voters in that district at the last congressional election. On certain days specified by law the registration agent must keep his office open for the registration of persons whose names are not already on the list. All persons who expect to vote must register. Voters must also be naturalized or native-born citizens of the United States and twenty-one years of age. Furthermore, the law requires that citizens must have been residents of the state one year, of the county four months, and of the precinct sixty days immediately preceding the election before they can register, that is, sign a blank to that effect with the registrar. None but registered citizens can vote.

Australian Ballot. — The old form of voting allowed each party to furnish its own ballot and many times the ballots were printed on the brightest paper to be found, the object being to see how the person voted. By the Australian system now in use in the state the ballots are all official and prepared by the county clerk. The names of all persons nominated by a party or upon petition are properly printed upon the ballot. Besides these, there is a space left vacant for the voter to write in any new name he may wish to vote for. In case it is a city or town elec-

tion, the city recorder or the town clerk prepares the ballots, the same as the county clerk does for the general election. The names of all the candidates are placed on one ballot.

All elections, except school and special elections, are held on the first Tuesday after the first Monday in November. The national and state elections come on the even numbered years (*i.e.* 1908, 1912, 1916) while the city and town elections come on the odd-numbered years (*i.e.* 1909, 1911, 1913). The school elections in the cities and consolidated districts are held in December in the even-numbered years and in July every year in the districts. The county clerk, the city recorder, or the town clerk must give proper notice of an election.

The Board of County Commissioners divides the county into election districts and selects a suitable room for voting purposes. In cities the districts are created by the city council and in towns by the town board. In all general elections three judges are appointed by the county commissioners. The part of the room occupied by the judges must be separated from the other part of the room by a rail, within which inclosure no one is allowed except the judges, the inspectors, and those who are there for the purpose of voting. Loafers must remain a hundred feet from the polls. Sufficient voting booths must be provided for the voters. They must be so arranged that the voter can enter and secretly mark his ballot. At the same time the construction must be such as to allow the judges to see that there is not more than one person in each booth at a time.

The polls are open from seven in the morning until seven in the evening. When a voter enters the poll room he announces his name to one of the judges of election, who immediately finds if the person is properly registered. If

he is, the presiding judge hands him a ballot, which he takes into one of the unoccupied booths and marks. If he desires to vote a "straight ticket," he can place a cross (X) in a circle beneath the party emblem. If on the contrary, he desires to vote for persons upon different tickets or a "scratched ticket" he must place a cross in the square by the name of each person voted for. If the voter is unable to mark his ticket, he may secure the assistance of two of the judges of election. Both, however, must not belong to the same party. In case the person cannot speak English, two persons of different parties may be sworn in to act as interpreters. The ballot must be carefully folded before leaving the booth and returned to the presiding judge of election, who calls out the stub number to see if it corresponds to the number entered in the poll book when the ballot was handed to the voter; if it does, the judge tears off the stub from the ballot and returns it to the voter, who, in full presence of all the judges, deposits it in the ballot box. The presiding judge now calls out the name of the individual and the word "voted." The name is then properly checked so that the same person cannot cast two ballots at the same election. The voter is now supposed to leave the room.

To prevent unqualified persons from voting, each party is permitted one watcher inside the railing and challengers on the outside. If a person who is attempting to vote is disqualified, they are supposed to challenge his vote and the judges will have to pass upon it there and then. There is a heavy punishment for illegal voting.

As soon as the polls are closed, the judges are required to canvass the ballots. They must first count the number of ballots in the box, and if they correspond in number with the number of persons who voted, then they must count the

votes cast for each candidate and enter the same on a sheet of paper commonly called a tally sheet provided for the purpose. If there is an excess of ballots in the box, they must be carefully examined to see if any fraudulent ones can be found. If they are discovered, they must be rejected. If none can be found, or if after they have been and are rejected and there is still an excess, one of the judges in the presence of the others must draw from the box a sufficient number to make the number of voters and ballots even. The ballots shall then be counted as described in the first part of the paragraph.

When the ballots are counted, they are carefully strung on a string, placed in a strong envelope and sealed up. Defective, fraudulent, or excess ballots are placed on a separate string. One tally sheet, one poll book, an official register, list of persons challenged, certificates of registration and oath of judges properly signed and certified must be sealed in a large envelope and together with the ballots be delivered within twenty-four hours to the county clerk, city recorder, or town clerk. The ballots are retained by the clerk one year and then destroyed.

The Board of County Commissioners is *ex officio* a board of canvassers in the case of an election of the county and must at noon on the Monday following the election meet and canvass the returns. The county clerk is clerk of the Board of Canvassers. If the returns are not all in, the board must adjourn from day to day until they are all in. If at the end of the seventh day the returns have not reached the clerk, he is required to send a special messenger to secure them and to pay him out of the county funds. When the canvass is complete, the person receiving the highest number of votes is declared elected by the board, and the county clerk is required to deliver to such per-

son a certificate of election signed by him with his seal upon it.

The clerk is then required to make a certified abstract of the "election returns" for all matters pertaining to the state at large and forward the same to the secretary of state. On the fourth Monday of November after the day of election the State Board of Canvassers, consisting of the state auditor, state treasurer, and attorney-general, must meet in the office of the secretary of state, who acts as secretary of the board and makes a canvass of the returns for the whole state, or if the election is for two or more counties, but less than the whole state, then for such a district, *i.e.* judicial district, the board must declare the person having the highest number of votes elected and the secretary of state shall issue him a certificate. If the secretary of state is elected to succeed himself, his certificate must be issued by the State Board of Canvassers.

In elections held by cities, towns, and school districts the city council, the town board, or the school board appoints the judges, canvasses the returns and the recorder or clerk of the respective bodies issues the certificate following the procedure outlined for county and state elections.

As already stated, upon the purity of its election and the efficiency and integrity of its officials depends the success of democratic institutions. For this reason the state has provided for the sacredness of the ballot. In addition to adopting the Australian ballot, it has made every attempt to interfere by way of giving or receiving a bribe, riot, intimidation, fraud, forgery, altering or destroying election returns, betting, or drunkenness a serious crime against the state, punishable by fine and imprisonment. The purpose of these regulations is to allow every person to cast his vote without let or hindrance as his conscience dictates.

Any interference in any way with the privilege granted to the citizen is a blow at the foundation of the state and should call forth the strong arm of the state to repel it.

Any citizen may contest the election of any person to public office for fraud, malconduct, corruption, bribery, illegal voting, error by the board of canvassers in counting the voting, etc. The contest must be filed with the clerk of the district court within forty days after the first Monday following the election. The charge must give the name of the person whose right is contested, the office and the grounds of the contest. The judge of the district court shall then fix a day and hear the case. If an inspection of the ballots is necessary, the judge may order the proper officer to produce the same in court when the judge will open the envelopes in the presence of the contestants and their attorneys and inspect them. From all the evidence produced the judge is to declare the person having the highest number of legal votes elected.

QUESTIONS

1. What is meant by registration ?
2. Why are voters required to register ?
3. Why does the law require a residence of some months in the precinct, county, and state before a citizen is allowed to register ?
4. What is the chief advantage of the Australian ballot ?
5. When are the general elections held ?
6. Who are in control of the elections ?
7. How many votes are required to elect ?
8. Should elections be honestly conducted ? Why ?

APPENDIX

STATE OFFICERS

Elected by the People for Four Years

	SALARIES
Governor	\$ 6000
Secretary of State	4000
State Auditor	3000
State Treasurer	2500
Attorney-General	4000
State Superintendent of Public Instruction	3000
Judge of the Supreme Court, each	5000
District Judge, each	4000
District Attorney, first, fourth, fifth, sixth, seventh districts . . .	1500
District Attorney, Third District	3000
District Attorney, Second District	2000

Appointed by the Governor with the Approval of the Senate

Adjutant General	\$ 1500
Assistant Adjutant General	600
Captain	200
Lieutenant (First)	200
Lieutenant (Second)	150
¹ State Engineer (4)	3000
Fish and Game Commissioner (4)	1800
State Bank Examiner (2)	1800
Insurance Commissioner (2)	2500
Food and Dairy Commissioner (2)	1500
Coal Mine Inspector (4)	2000
State Chemist (2)	2000
State Horticultural Inspector (2)	1800
State Veterinarian (2)	1800
Commissioner of Immigration (2)	1800
Bank Commissioner (4)	2500

¹ Figure in parentheses after position indicates the length of the term in years.

Members of the Land Board, each (2)	\$1500
Secretary of Land Board (2)	1800
State Board of Equalization, each (4)	1500
Chief Clerk of Board of Equalization (4)	1800
Sheep Commissioners, each (4)	500

Appointed by the Governing Boards for One Year

President of the University of Utah	\$5000
President of the Agricultural College of Utah	5000
Superintendent of the State School for the Deaf and the Blind	3000
Superintendent of the Mental Hospital	2700
Superintendent of the State Industrial School	2400
Board of Health (Secretary)	2000
Warden of the State Prison	2500

CONSTITUTION OF THE STATE OF UTAH

PREAMBLE

Grateful to Almighty God for life and liberty, we, the people of Utah, in order to secure and perpetuate the principles of free government, do ordain and establish this

CONSTITUTION

ARTICLE I

DECLARATION OF RIGHTS

SECTION 1. *Inherent and inalienable rights.* All men have the inherent and inalienable right to enjoy and defend their lives and liberties; to acquire, possess and protect property; to worship according to the dictates of their consciences; to assemble peaceably, protest against wrongs, and petition for redress of grievances; to communicate freely their thoughts and opinions, being responsible for the abuse of that right.

SEC. 2. *All political power inherent in the people.* All political power is inherent in the people; and all free governments are founded on their authority for their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require.

SEC. 3. *Utah inseparable from the Union.* The State of Utah is an inseparable part of the Federal Union and the Constitution of the United States is the supreme law of the land.

SEC. 4. *Religious liberty.* The rights of conscience shall never be infringed. The State shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; no religious test shall be required as a qualification for any office of public trust or for any vote at any election; nor shall any person be incompetent as a witness or juror on account of religious belief or the absence thereof. There shall be no union of Church and State, nor shall any church dominate the State or in-

terfere with its functions. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for the support of any ecclesiastical establishment. No property qualification shall be required of any person to vote or hold office, except as provided in this Constitution.

SEC. 5. *Habeas Corpus.* The privilege of the writ of *habeas corpus* shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it.

SEC. 6. *Right to bear arms.* The people have the right to bear arms for their security and defense, but the Legislature may regulate the exercise of this right by law.

SEC. 7. *Due process of law.* No person shall be deprived of life, liberty or property, without due process of law.

SEC. 8. *Offenses bailable.* All prisoners shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption strong.

SEC. 9. *Excessive bail and fines. Cruel punishments.* Excessive bail shall not be required; excessive fines shall not be imposed; nor shall cruel and unusual punishments be inflicted. Persons arrested or imprisoned shall not be treated with unnecessary rigor.

SEC. 10. *Trial by jury.* In capital cases the right of trial by jury shall remain inviolate. In courts of general jurisdiction, except in capital cases, a jury shall consist of eight jurors. In courts of inferior jurisdiction a jury shall consist of four jurors. In criminal cases the verdict shall be unanimous. In civil cases three-fourths of the jurors may find a verdict. A jury in civil cases shall be waived unless demanded.

SEC. 11. *Courts open. Redress of injuries.* All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall have remedy by due course of law, which shall be administered without denial or unnecessary delay; and no person shall be barred from prosecuting or defending before any tribunal in this State, by himself or counsel, any civil cause to which he is a party.

SEC. 12. *Rights of accused persons.* In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to be confronted by the witnesses against him, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, and the right to appeal in all cases. In no instance shall any accused person, before final judgment, be compelled to advance money or

fees to secure the rights herein guaranteed. The accused shall not be compelled to give evidence against himself; a wife shall not be compelled to testify against her husband, nor a husband against his wife, nor shall any person be twice put in jeopardy for the same offense.

SEC. 13. *Prosecution by information or indictment. Grand jury.* Offenses heretofore required to be prosecuted by indictment, shall be prosecuted by information after examination and commitment by a magistrate, unless the examination be waived by the accused with the consent of the State, or by indictment, with or without such examination and commitment. The grand jury shall consist of seven persons, five of whom must concur to find an indictment; but no grand jury shall be drawn or summoned unless in the opinion of the judge of the district, public interest demands it.

SEC. 14. *Unreasonable searches forbidden. Issuance of warrant.* The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, particularly describing the place to be searched, and the person or thing to be seized.

SEC. 15. *Freedom of speech and of the press. Libel.* No law shall be passed to abridge or restrain the freedom of speech or of the press. In all criminal prosecutions for libel the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 16. *No imprisonment for debt. Exception.* There shall be no imprisonment for debt except in such cases of absconding debtors.

SEC. 17. *Elections to be free. Soldiers voting.* All elections shall be free, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers, in time of war, may vote at their post of duty, in or out of the State, under regulations to be prescribed by law.

SEC. 18. *Attainder. Ex post facto laws. Impairing contracts.* No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be passed.

SEC. 19. *Treason defined. Proof.* Treason against the State shall consist only in levying war against it, or in adhering to its enemies or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act.

SEC. 20. *Military subordinate to the civil power.* The military shall be in strict subordination to the civil power, and no soldier, in time of peace,

shall be quartered in any house without the consent of the owner; nor in time of war except in a manner to be prescribed by law.

SEC. 21. *Slavery forbidden.* Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within this State.

SEC. 22. *Private property for public use.* Private property shall not be taken or damaged for public use without just compensation.

SEC. 23. *Irrevocable franchises forbidden.* No law shall be passed granting irrevocably any franchise, privilege or immunity.

SEC. 24. *Uniform operation of laws.* All laws of a general nature shall have uniform operation.

SEC. 25. *Rights retained by people.* This enumeration of rights shall not be construed to impair or deny others retained by the people.

SEC. 26. *Provisions mandatory and prohibitory.* The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

SEC. 27. *Fundamental rights.* Frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.

ARTICLE II

STATE BOUNDARIES

SECTION 1. *State boundaries.* The boundaries of the State of Utah shall be as follows:

Beginning at a point formed by the intersection of the thirty-second degree of longitude west from Washington with the thirty-seventh degree of north latitude; thence due west along said thirty-seventh degree of north latitude to the intersection of the same with the thirty-seventh degree of longitude west from Washington; thence due north along said thirty-seventh degree of west longitude to the intersection of the same with the forty-second degree of north latitude; thence due east along said forty-second degree of north latitude to the intersection of the same with the thirty-fourth degree of longitude west from Washington; thence due south along said thirty-fourth degree of west longitude to the intersection of the same with the forty-first degree of north latitude; thence due east along said forty-first degree of north latitude to the intersection of the same with the thirty-second degree of longitude west from Washington; thence due south along said thirty-second degree of west longitude to the place of beginning.

ARTICLE III

ORDINANCE

The following ordinance shall be irrevocable without the consent of the United States and the people of this State :

Religious toleration. Polygamy forbidden. First : Perfect toleration of religious sentiment is guaranteed. No inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship ; but polygamous or plural marriages are forever prohibited.

Right to public domain disclaimed. Taxation of lands. Exemptions. Second : The people inhabiting this State do affirm and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries hereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States. The lands belonging to citizens of the United States, residing without this State shall never be taxed at a higher rate than the lands belonging to residents of this state ; nor shall taxes be imposed by this State on lands or property herein, belonging to or which may hereafter be purchased by the United States or reserved for its use ; but nothing in this ordinance shall preclude this State from taxing, as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person, by patent or other grant, a title thereto, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress, containing a provision exempting the lands thus granted from taxation, which last mentioned lands shall be exempt from taxation so long, and to such extent, as is or may be provided in the act of Congress granting the same.

Territorial debts assumed. Third : All debts and liabilities of the Territory of Utah, incurred by authority of the Legislative Assembly thereof, are hereby assumed and shall be paid by this State.

Free, non-sectarian schools. Fourth : The Legislature shall make laws for the establishment and maintenance of a system of public schools, which shall be open to all the children of the State, and be free from sectarian control.

ARTICLE IV

ELECTIONS AND RIGHT OF SUFFRAGE

SECTION 1. *Equal political rights.* The rights of citizens of the State of Utah to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall enjoy equally all civil, political and religious rights and privileges.

SEC. 2. *Qualifications to vote.* Every citizen of the United States, of the age of twenty-one years and upwards, who shall have been a citizen for ninety days, and shall have resided in the State or Territory one year, in the county four months, and in the precinct sixty days next preceding any election, shall be entitled to vote at such election except as herein otherwise provided.

SEC. 3. *Electors: immunity from arrest.* In all cases except those of treason, felony or breach of the peace, electors shall be privileged from arrest on the days of election, during their attendance at elections, and going to and returning therefrom.

SEC. 4. *Id. From militia duty.* No elector shall be obliged to perform militia duty on the day of election except in time of war or public danger.

SEC. 5. *Electors to be citizens of U. S.* No person shall be deemed a qualified elector of this State unless such person be a citizen of the United States.

SEC. 6. *Certain criminals, etc., ineligible to vote.* No idiot, insane person or person convicted of treason, or crime against the elective franchise, unless restored to civil rights, shall be permitted to vote at any election, or be eligible to hold office in this State.

SEC. 7. *Property qualifications forbidden, when.* Except in elections levying a special tax or creating indebtedness, no property qualification shall be required for any person to vote or hold office.

SEC. 8. *Ballot to be secret.* All elections shall be by secret ballot. Nothing in this section shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election: Provided, That secrecy in voting be preserved.

SEC. 9. *Elections, when held. Terms begin, when.* All general elections, except for municipal and school officers, shall be held on the Tuesday next following the first Monday in November of the year in which the election is held. Special elections may be held as provided by law. The terms of all officers elected at any general election shall commence on the first Monday in January next following the date of their election. Municipal and School officers shall be elected at such time as may be provided by law.

SEC. 10. *Oath of office.* All officers made elective or appointive by this Constitution or by the laws made in pursuance thereof, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this State and that I will discharge the duties of my office with fidelity."

ARTICLE V

DISTRIBUTION OF POWERS

SECTION 1. *Three departments of government.* The powers of the government of the State of Utah shall be divided into three distinct departments, the Legislative, the Executive, and the Judicial; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any functions appertaining to either of the others, except in the cases herein expressly directed or permitted.

ARTICLE VI

LEGISLATIVE DEPARTMENT

SECTION 1. *Power vested in senate and house.* The Legislative power of this State shall be vested in a Senate and House of Representatives, which shall be designated The Legislature of the State of Utah.

SEC. 2. *Time of regular sessions.* Regular Sessions of the Legislature shall be held biennially at the seat of government; and, except the first session thereof, shall begin on the second Monday in January next after the election of members of the House of Representatives.

SEC. 3. *Members, how and when chosen.* The members of the House of Representatives, after the first election, shall be chosen by the qualified electors of the respective representative districts, on the first Tuesday after the first Monday in November, 1896, and biennially thereafter. Their term of office shall be two years, from the first day of January next after their election.

SEC. 4. *Senators, how and when chosen.* The senators shall be chosen by the qualified electors of the respective senatorial districts, at the same times and places as members of the House of Representatives, and their term of office shall be four years from the first day of January next after their election: Provided, That the senators elected in 1896 shall be divided by lot into two classes as nearly equal as may be; seats of senators of the first class shall be vacated at the expiration of two years, and those of the

second class at the expiration of four years; so that one half, as nearly as possible, shall be chosen biennially thereafter. In case of increase in the number of senators, they shall be annexed by lot to one or the other of the two classes, so as to keep them as nearly equal as practicable.

SEC. 5. *Who eligible as legislator.* No person shall be eligible to the office of senator or representative, who is not a citizen of the United States, twenty-five years of age, a qualified voter in the district from which he is chosen, a resident for three years of the State, and for one year of the district from which he is elected.

SEC. 6. *Who ineligible.* No person holding any public office of profit or trust under authority of the United States, or of this State, shall be a member of the Legislature: Provided, That appointments in the State Militia, and the offices of notary public, justice of the peace, United States commissioner, and postmaster of the fourth class, shall not, within the meaning of this section, be considered offices of profit or trust.

SEC. 7. *Ineligibility of member to office created, etc.* No member of the Legislature, during the term for which he was elected, shall be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

SEC. 8. *Privilege from arrest.* Members of the Legislature, in all cases except treason, felony or breach of the peace, shall be privileged from arrest during each session of the Legislature, for fifteen days next preceding each session, and in returning therefrom; and for words used in any speech or debate in either house, they shall not be questioned in any other place.

SEC. 9. *Compensation of members.* The members of the Legislature shall receive such *per diem* and mileage as the Legislature may provide, not exceeding four dollars per day, and ten cents per mile for the distance necessarily traveled going to and returning from the place of meeting on the most usual route, and they shall receive no other pay or perquisite.

SEC. 10. *Each house to judge of election, etc., of its members. Expulsion.* Each house shall be the judge of the election and qualifications of its members, and may punish them for disorderly conduct, and with the concurrence of two-thirds of all the members elected, expel a member for cause.

SEC. 11. *Majority is quorum. Attendance compelled.* A majority of the members of each house shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 12. *Rules. Choosing officers.* Each house shall determine the rules of its proceedings, and choose its own officers and employees.

SEC. 13. *Elections to fill vacancies.* The Governor shall issue writs of election to fill vacancies that may occur in either house of the Legislature.

SEC. 14. *Journals. Yeas and nays.* Each house shall keep a journal of its proceedings, which, except in case of executive sessions, shall be published, and the yeas and nays on any question, at the request of five members of such house, shall be entered upon the journal.

SEC. 15. *Sessions to be public. Adjournments.* All sessions of the Legislature, except those of the Senate while sitting in executive session, shall be public; and neither house, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which it may be holding session.

SEC. 16. *Duration of sessions.* No regular session of the Legislature (except the first, which may sit ninety days) shall exceed sixty days, except in cases of impeachment. No special session shall exceed thirty days, and in such special session, or when a regular session of the Legislature trying cases of impeachment exceeds sixty days, the members shall receive for compensation only the usual *per diem* and mileage.

SEC. 17. *Impeachment by house.* The House of Representatives shall have the sole power of impeachment, but in order to impeach, two-thirds of all the members elected must vote therefor.

SEC. 18. *Id. Trial by senate.* All impeachments shall be tried by the Senate, and Senators, when sitting for that purpose, shall take oath or make affirmation to do justice according to the law and the evidence. When the Governor is on trial, the chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected.

SEC. 19. *Id. Judgment. Prosecution by law.* The Governor and other State and Judicial officers, except justices of the peace, shall be liable to impeachment for high crimes, misdemeanors, or malfeasance in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit in the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, and punishment according to law.

SEC. 20. *Id. Service of articles.* No person shall be tried on impeachment, unless he shall have been served with a copy of the articles thereof, at least ten days before the trial, and after such service he shall not exercise the duties of his office until he shall have been acquitted.

SEC. 21. *Removal of officers.* All officers not liable to impeachment shall be removed for any of the offenses specified in this article, in such manner as may be provided by law.

SEC. 22. *Enacting clause. Passage and amendments of law.* The enact-

ing clause of every law shall be : " Be it enacted by the Legislature of the State of Utah," and no bill or joint resolution shall be passed, except with the assent of a majority of all the members elected to each house of the Legislature and after it has been read three times. The vote upon the final passage of all bills shall be by yeas and nays ; and no law shall be revised or amended by reference to its title only ; but the act as revised, or section as amended, shall be reënacted and published at length.

SEC. 23. *Bill to contain only one subject.* Except general appropriation bills, and bills for the codification and general revision of laws, no bill shall be passed containing more than one subject, which shall be clearly expressed in its title.

SEC. 24. *Presiding officers to sign bills.* The presiding officer of each house, in the presence of the house over which he presides, shall sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read immediately before signing, and the fact of such signing shall be entered upon the journal.

SEC. 25. *When acts take effect.* All acts shall be officially published, and no act shall take effect until so published, nor until sixty days after the adjournment of the session at which it passed, unless the Legislature by a vote of two-thirds of all the members elected to each house, shall otherwise direct.

SEC. 26. *Enumeration of private laws forbidden.* The Legislature is prohibited from enacting any private or special laws in the following cases :

1. Granting divorce.
2. Changing the names of persons or places, or constituting one person the heir-at-law of another.
3. Locating or changing county seats.
4. Regulating the jurisdiction and duties of Justices of the Peace.
5. Punishing crimes and misdemeanors.
6. Regulating the practice of courts of justice.
7. Providing for a change of venue in civil or criminal actions.
8. Assessing and collecting taxes.
9. Regulating the interest on money.
10. Changing the law of descent or succession.
11. Regulating county and township affairs.
12. Incorporating cities, towns, or villages ; changing or amending the charter of any city, town, or village ; laying out, opening, vacating or altering town plats, highways, streets, wards, alleys, or public grounds.
13. Providing for sale or mortgage of real estate belonging to minors or others under disability.
14. Authorizing persons to keep ferries across streams within the State.

15. Remitting fines, penalties, or forfeitures.

16. Granting to an individual, association or corporation any privilege, immunity or franchise.

17. Providing for the management of common schools.

18. Creating, increasing or decreasing fees, percentages or allowances of public officers during the term for which said officers are elected or appointed.

The Legislature may repeal any existing special law relating to the foregoing subdivisions.

In all cases where a general law can be applicable, no special law shall be enacted.

Nothing in this section shall be construed to deny or restrict the power of the Legislature to establish and regulate the compensation and fees of county and township officers; to establish and regulate the rates of freight, passage, toll and charges of railroads, toll roads, ditch, flume and tunnel companies, incorporated under the laws of the State or doing business therein.

SEC. 27. *Legislature cannot release certain debts.* The Legislature shall have no power to release or extinguish, in whole or in part, the indebtedness, liability or obligation of any corporation or person to the State, or to any municipal corporation therein.

SEC. 28. *Lotteries forbidden.* The Legislature shall not authorize any game of chance, lottery or gift enterprise under any pretense or for any purpose.

SEC. 39. *Municipal powers not to be delegated.* The Legislature shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, to levy taxes, to select a capitol site, or to perform any municipal functions.

SEC. 30. *Extra compensation to officers and contractors forbidden.* The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation, fee or allowance to any public officer, agent, servant or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part, nor pay or authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without authority of law: Provided, That this section shall not apply to claims incurred by public officers in the execution of the laws of the State.

SEC. 31. *Lending public credit forbidden.* The Legislature shall not authorize the State, or any county, city, town, township, district or other

political subdivision of the State to lend its credit or subscribe to stock or bonds in aid of any railroad, telegraph or other private individual or corporate enterprise or undertaking.

ARTICLE VII

EXECUTIVE

SECTION 1. *Executive department. Terms, residence, and duties of officers.* The Executive Department shall consist of Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Instruction, each of whom shall hold his office for four years, beginning on the first Monday of January next after his election, except that the terms of office of those elected at the first election shall begin when the State shall be admitted into the Union, and shall end on the first Monday in January, A.D., 1901. The officers of the Executive Department, during their terms of office, shall reside at the seat of government, where they shall keep the public records, books and papers. They shall perform such duties as are prescribed by this Constitution and as may be prescribed by law.

SEC. 2. *Election. Tie, legislature to elect.* The officers provided for in section one of this article, shall be elected by the qualified electors of the State at the time and place of voting for members of the Legislature, and the persons respectively having the highest number of votes cast for the office voted for shall be elected; but if two or more shall have an equal and the highest number of votes for any one of said offices, the two houses of the Legislature, at its next regular session, shall elect forthwith by joint ballot one of such persons for said office.

SEC. 3. *Qualifications of governor, etc.* No person shall be eligible to the office of Governor or Secretary of State unless he shall have attained the age of thirty years at the time of his election, nor to the office of Attorney-General unless he shall have attained the age of twenty-five years at the time of his election, and have been admitted to practice in the Supreme Court of the Territory or of the State of Utah, nor unless he shall be in good standing at the bar at the time of his election. No person shall be eligible to any of the offices provided for in section one of this article, unless at the time of his election he shall be a qualified elector, and shall have been a resident citizen of the State or Territory for five years next preceding his election. The State Auditor and State Treasurer shall be ineligible to election as their own successors.

SEC. 4. *Governor commander in chief.* The Governor shall be Commander in Chief of the military forces of the State, except when they shall

be called into the service of the United States. He shall have power to call out the militia to execute the laws, to suppress insurrection, or to repel invasion.

SEC. 5. *Duties of governor.* The Governor shall see that the laws are faithfully executed; he shall transact all executive business with the officers of the government, civil and military, and may require information in writing from the officers of the Executive Department, and from the officers and managers of State Institutions upon any subject relating to the condition, management, and expenses of their respective offices and institutions, and at any time when the Legislative Assembly is not in session, may, if he deem it necessary, appoint a committee to investigate and report to him upon the condition of any executive office or State Institution. He shall communicate by message the condition of the State to the Legislature at every regular session, and recommend such measures as he may deem expedient.

SEC. 6. *Id. May convene extra session.* On extraordinary occasions, the Governor may convene the Legislature by proclamation, in which shall be stated the purpose for which the Legislature is to be convened, and it shall transact no legislative business except that for which it was especially convened, or such other legislative business as the Governor may call to its attention while in session. The Legislature, however, may provide for the expenses of the session and other matters incidental thereto. The Governor may also by proclamation convene the Senate in extraordinary session for the transaction of executive business.

SEC. 7. *Id. May adjourn legislature, when.* In case of a disagreement between the two houses of the Legislature at any special session, with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper: Provided it be not beyond the time fixed for the convening of the next Legislature.

SEC. 8. *Bills presented to governor. Veto. Appropriation bills.* Every bill passed by the Legislature, before it becomes a law, shall be presented to the Governor; if he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections to the house in which it originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If, after such reconsideration, it again passes both houses by a yea and nay vote of two-thirds of the members elected to each house, it shall become a law, notwithstanding the Governor's objections. If any bill be not returned within five days after it shall have been presented to him (Sunday, and the day on which he received it excepted), the same shall be a law in

like manner as if he had signed it, unless the Legislature by its final adjournment prevent such return, in which case it shall be filed with his objections in the office of the Secretary of State within ten days after such adjournment (Sundays excepted) or become a law. If any bill presented to the Governor contain several items of appropriations of money, he may object to one or more such items, while approving other portions of the bill; in such case he shall append to the bill at the time of signing it, a statement of the item or items which he declines to approve, together with his reasons therefor, and such item or items shall not take effect unless passed over the Governor's objection as in this section provided.

SEC. 9. *Governor may fill certain vacancies.* When any State or district office shall become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have the power to fill the same by granting a commission, which shall expire at the next election, and upon qualification of the person elected to such office.

SEC. 10. *Governor's appointive power. Vacancies.* The Governor shall nominate, and by and with the consent of the Senate, appoint all State and district officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for. If, during the recess of the Senate, a vacancy occur in any State or district office, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the Senate, when he shall nominate some person to fill such office. If the office of justice of the supreme or district court, Secretary of State, State Auditor, State Treasurer, Attorney-General or Superintendent of Public Instruction be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified, as may be by law provided.

SEC. 11. *Vacancy in office of governor.* In case of the death of the Governor, or his impeachment, removal from office, inability to discharge the duties of his office, resignation, or absence from the State, the powers and duties of said office shall devolve upon the Secretary of State, until the disability shall cease, or until the next general election, when the vacancy shall be filled by election. If, during a vacancy in the office of Governor, the Secretary of State resign, die or become incapable of performing the duties of the office, or be displaced, or be absent from the State, the President *pro tempore* of the Senate shall act as Governor until the vacancy be filled or the disability cease. While performing the duties of the Governor as in this section provided, the Secretary of State, or the President *pro tempore* of the Senate, as the case may be, except in cases of temporary

disability, or absence from the State, shall be entitled to the salary and emoluments of the Governor.

SEC. 12. *Board of pardons. Respites and reprieves.* Until otherwise provided by law, the Governor, Justices of the Supreme Court and Attorney-General shall constitute a Board of Pardons, a majority of whom, including the Governor, upon such conditions, and with such limitations and restrictions as they deem proper, may remit fines and forfeitures, commute punishments, and grant pardons after convictions, in all cases except treason and impeachments, subject to such regulations as may be provided by law, relative to the manner of applying for pardons; but no fine or forfeiture shall be remitted, and no commutation or pardon granted, except after a full hearing before the Board, in open session, after previous notice of the time and place of such hearing has been given. The proceedings and decisions of the Board, with the reasons therefor in each case, together with the dissent of any member who may disagree, shall be reduced to writing, and filed, with all papers used upon the hearing, in the office of the Secretary of State.

The Governor shall have power to grant respites or reprieves in all cases of convictions for offenses against the State, except treason or conviction on impeachment; but such respites or reprieves shall not extend beyond the next session of the Board of Pardons; and such Board, at such session, shall continue or determine such respite or reprieve, or they may commute the punishment, or pardon the offense as herein provided. In case of conviction for treason, the Governor shall have the power to suspend execution of the sentence, until the case shall be reported to the Legislature at its next regular session, when the Legislature shall either pardon, or commute the sentence, or direct its execution; he shall communicate to the Legislature at each regular session, each case of remission of fine or forfeiture, reprieve, commutation or pardon granted since the last previous report, stating the name of the convict, the crime for which he was convicted, the sentence and its date, the date of remission, commutation, pardon, or reprieve, with the reasons for granting the same, and the objections, if any, of any member of the Board made thereto.

SEC. 13. *State prison commissioners. Board of examiners.* Until otherwise provided by law, the Governor, Secretary of State, and Attorney-General shall constitute a Board of State Prison Commissioners, which Board shall have such supervision of all matters connected with the State Prison as may be provided by law. They shall, also, constitute a Board of Examiners, with power to examine all claims against the State except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law; and no claim against the State, except

for salaries and compensation of officers fixed by law, shall be passed upon by the Legislature without having been considered and acted upon by the said Board of Examiners.

SEC. 14. *Insane asylum commissioners.* Until otherwise provided by law, the Governor, State Treasurer, and State Auditor shall constitute a Board of Insane Asylum Commissioners. Said Board shall have such supervision of all matters connected with the State Insane Asylum as may be provided by law.

SEC. 15. *Reform School Commissioners.* Until otherwise provided by law, the Governor, Attorney-General and Superintendent of Public Instruction shall constitute a Board of Reform School Commissioners. Said Board shall have such supervision of all matters connected with the State Reform School as may be provided by law.

SEC. 16. *Duties of secretary of state.* The Secretary of State shall keep a record of the official acts of the Legislature and Executive Department of the State, and, when required, shall lay the same and all matters relative thereto before either branch of the Legislature, and shall perform such other duties as may be provided by law.

SEC. 17. *Duties of auditor.* The Auditor shall be Auditor of Public Accounts, and the Treasurer shall be the custodian of public moneys, and each shall perform such other duties as may be provided by law.

SEC. 18. *Duties of attorney-general.* The Attorney-General shall be the legal adviser of the State Officers, and shall perform such other duties as may be provided by law.

SEC. 19. *Superintendent of public instruction.* The Superintendent of Public Instruction shall perform such duties as may be provided by law.

SEC. 20. *Compensation of state officers.* The Governor, Secretary of State, Auditor, Treasurer, Attorney-General, Superintendent of Public Instruction and such other State and district officers as may be provided for by law, shall receive for their services quarterly, a compensation as fixed by law, which shall not be diminished or increased so as to affect the salary of any officer during his term, or the term next ensuing after the adoption of this Constitution, unless a vacancy occur, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment. The compensation of the officers provided for by this article, until otherwise provided by law, is fixed as follows :

Governor, Two Thousand Dollars per annum.

Secretary of State, Two Thousand Dollars per annum.

State Auditor, Fifteen Hundred Dollars per annum.

State Treasurer, One Thousand Dollars per annum.

Attorney-General, Fifteen Hundred Dollars per annum.

Superintendent of Public Instruction, Fifteen Hundred Dollars per annum.

The compensation for said officers as prescribed in this section, and in all laws enacted pursuant to this Constitution, shall be in full for all services rendered by said officers, respectively, in any official capacity or employment during their respective terms of office. No such officer shall receive for the performance of any official duty any fee for his own use, but all fees fixed by law for the performance by either of them of any official duty, shall be collected in advance and deposited with the State Treasurer quarterly to the credit of the State. The Legislature may provide for the payment of actual and necessary expenses of said officers while traveling in the State in the performance of official duty.

SEC. 21. *Grants and Commissions.* All grants and commissions shall be in the name and by the authority of the State of Utah, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 22. *The Great Seal.* There shall be a seal of the State, which shall be kept by the Secretary of State, and used by him officially. Said seal shall be called "The Great Seal of the State of Utah." The present seal of the Territory of Utah shall be the seal of the State until otherwise provided by law.

SEC. 23. *U. S. officials ineligible. Governor not eligible for senate.* No person, while holding any office under the United States' government, shall hold any office under the State Government of Utah, and the Governor shall not be eligible for election to the Senate of the United States during the term for which he shall have been elected Governor.

ARTICLE VIII

JUDICIAL DEPARTMENT

SECTION 1. *Judicial powers, how vested.* The Judicial power of the State shall be vested in the Senate sitting as a court of impeachment, in a supreme court, in district courts, in justices of the peace, and such other courts inferior to the Supreme Court as may be established by law.

SEC. 2. *Supreme court, how constituted. Terms.* The Supreme Court shall consist of three judges; but after the year A.D. 1905, the Legislature may increase the number thereof to five. A majority of the judges constituting the court shall be necessary to form a quorum or render a decision. If a justice of the Supreme Court shall be disqualified from sit-

ting in a cause before said court, the remaining judges shall call a district judge to sit with them on the hearing of such cause. The Judges of the Supreme Court shall be elected by the electors of the State at large. The term of office of the Judges of the Supreme Court, excepting as in this article otherwise provided, shall be six years. The Judges of the Supreme Court, immediately after the first election under this Constitution, shall be selected by lot, so that one shall hold office for the term of three years, one for the term of five years, and one for the term of seven years. The lots shall be drawn by the Judges of the Supreme Court, who, for that purpose, shall assemble at the seat of government; and they shall cause the result thereof to be certified by the Secretary of State, and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the Chief Justice, and shall preside at all terms of the Supreme Court, and in case of his absence, the judge, having in like manner, the next shortest term, shall preside in his stead.

SEC. 3. *Id. Qualifications of judges.* Every Judge of the Supreme Court shall be at least thirty years of age, and, before his election, shall be a member of the bar, learned in the law, and a resident of the Territory or State of Utah for five years next preceding his election.

SEC. 4. *Id. Jurisdiction. Terms.* The Supreme Court shall have original jurisdiction to issue writs of *mandamus*, *certiorari*, prohibition, *quo warranto* and *habeas corpus*. Each of the justices shall have power to issue writs of habeas corpus, to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any district court or judge thereof in the State. In other cases the Supreme Court shall have appellate jurisdiction only, and power to issue writs necessary and proper for the exercise of that jurisdiction. The Supreme Court shall hold at least three terms every year, and shall sit at the capital of the State.

SEC. 5. *District courts, how constituted. Terms. Jurisdiction. Judge pro tempore.* The State shall be divided into seven judicial districts, for each of which, at least one, and not exceeding three judges, shall be chosen by the qualified electors thereof. The term of office of the district judges shall be four years. Except that the District Judges elected at the first election shall serve until the first Monday in January, A. D. 1901, and until their successors shall have qualified. Until otherwise provided by law, a district court at the county seat of each county shall be held at least four times a year. All civil and criminal business arising in any county, must be tried in such county, unless a change of venue be taken, in such cases as may be provided by law. Each judge of a District Court shall be

at least twenty-five years of age, a member of the bar, learned in the law, a resident of the Territory or State of Utah three years next preceding his election, and shall reside in the district for which he shall be elected. Any District Judge may hold a court in any county at the request of the judge of the district, and upon a request of the Governor, it shall be his duty to do so. Any cause in the District Court may be tried by a judge *pro tempore*, who must be a member of the bar, sworn to try the cause, and agreed upon by the parties, or their attorneys of record.

SEC. 6. *Id. Legislature may change districts.* The Legislature may change the limits of any judicial district, or increase or decrease the number of districts, or the judges thereof. No alteration or increase shall have the effect of removing a judge from office. In every additional district established, a judge shall be elected by the electors thereof, and his term of office shall continue as provided in section five of this article.

SEC. 7. *Jurisdiction of district courts.* The District Court shall have original jurisdiction in all matters, civil and criminal, not excepted in this Constitution, and not prohibited by law; appellate jurisdiction from all inferior courts and tribunals, and a supervisory control of the same. The District Courts or any judge thereof, shall have power to issue writs of *habeas corpus*, *mandamus*, injunction, *quo warranto*, *certiorari*, prohibition and other writs necessary to carry into effect their orders, judgments, and decrees, and to give them a general control over inferior courts and tribunals within their respective jurisdictions.

SEC. 8. *Justices of the peace. Jurisdiction, etc.* The legislature shall determine the number of justices of the peace to be elected, and shall fix by law their powers, duties, and compensation. The jurisdiction of justices of the peace shall be as now provided by law, but the Legislature may restrict the same.

SEC. 9. *Appeals from district court: record, etc. From justices' courts.* From all final judgments of the district courts, there shall be a right of appeal to the Supreme Court. The appeal shall be upon the record made in the court below, and under such regulations as may be provided by law. In equity cases the appeal may be on questions of both law and fact; in cases at law the appeal shall be on questions of law alone. Appeals shall also lie from the final orders and decrees of the Court in the administration of decedent estates, and in cases of guardianship, as shall be provided by law. Appeals shall also lie from the final judgment of justices of the peace in civil and criminal cases to the District Courts on both questions of law and fact, with such limitations and restrictions as shall be provided by law; and the decision of the District Courts on such appeals shall be final, except in cases involving the validity or constitutionality of a statute.

SEC. 10. *County attorneys. Election, term, etc.* A County Attorney shall be elected by the qualified voters of each county who shall hold his office for a term of two years. The powers and duties of County Attorneys, and such other attorneys for the State as the Legislature may provide, shall be prescribed by law. In all cases where the attorney for any county, or for the State, fails or refuses to attend and prosecute according to law the court shall have power to appoint an attorney *pro tempore*.

SEC. 11. *Removal of judges from office.* Judges may be removed from office by the concurrent vote of both houses of the Legislature, each voting separately; but two-thirds of the members to which each house may be entitled must concur in such vote. The vote shall be determined by yeas and nays, and the names of the members voting for or against a judge, together with the cause or causes of removal, shall be entered on the journal of each house. The judge against whom the house may be about to proceed shall receive notice thereof, accompanied with a copy of the cause alleged for his removal, at least ten days before the day on which either house of the Legislature shall act thereon.

SEC. 12. *Judges' salaries to remain fixed.* The judges of the Supreme and District Courts shall receive at stated times compensation for their services, which shall not be increased or diminished during the time for which they are elected.

SEC. 13. *Disqualification of judges.* Except by consent of all the parties, no judge of the supreme or inferior courts shall preside in the trial of any cause where either of the parties shall be connected with him by affinity or consanguinity within the degree of first cousin, or in which he may have been of counsel, or in the trial of which he may have presided in any inferior court.

SEC. 14. *Clerks of courts. Reporter.* The Supreme Court shall appoint a clerk, and a reporter of its decisions, who shall hold their offices during the pleasure of the Court. Until otherwise provided, County Clerks shall be *ex officio* clerks of the District Courts in and for their respective counties, and shall perform such other duties as may be provided by law.

SEC. 15. *Judges shall not appoint relatives to office.* No person related to any judge of any court by affinity or consanguinity within the degree of first cousin, shall be appointed by such court or judge to, or employed by such court or judge in any office or duty in any court of which such judge may be a member.

SEC. 16. *Judicial districts, how constituted.* Until otherwise provided by law, the Judicial Districts of the State shall be constituted as follows:

First District: The Counties of Cache, Box Elder, and Rich.

Second District: The Counties of Weber, Morgan, and Davis.

Third District: The Counties of Summit, Salt Lake, and Tooele, in which there shall be elected three district judges.

Fourth District: The Counties of Utah, Wasatch, and Uintah.

Fifth District: The Counties of Juab, Millard, Beaver, Iron, and Washington.

Sixth District: The Counties of Sevier, Piute, Wayne, Garfield, and Kane.

Seventh District: The Counties of San Pete, Carbon, Emery, Grand, and San Juan.

SEC. 17. *Courts of record.* The Supreme and District Courts shall be courts of record, and each shall have a seal.

SEC. 18. *Style of process:* "The State of Utah." The style of all process shall be, "The State of Utah," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 19. *But one form of civil action.* There shall be but one form of civil action, and law and equity may be administered in the same action.

SEC. 20. *Salary of judges.* Until otherwise provided by law, the salaries of supreme and district judges shall be three thousand dollars per annum, and mileage, payable quarterly out of the State treasury.

SEC. 21. *Judges to be conservators of peace.* Judges of the Supreme Court, District Courts, and justices of the peace, shall be conservators of the peace, and may hold preliminary examinations in cases of felony.

SEC. 22. *Judges to report defects in laws.* District Judges may, at any time, report defects and omissions in the law to the Supreme Court, and the Supreme Court on or before the first day of December of each year, shall report in writing to the Governor any seeming defect or omission in the law.

SEC. 23. *Publication of decisions.* The Legislature may provide for the publication of decisions and opinions of the Supreme Court, but all decisions shall be free to publishers.

SEC. 24. *Effect of extending judges' terms.* The terms of office of Supreme and District Judges may be extended by law, but such extension shall not affect the term for which any judge was elected.

SEC. 25. *Decisions of supreme court to be in writing.* When a judgment or decree is reversed, modified or affirmed by the Supreme Court, the reasons therefor shall be stated concisely in writing, signed by the judges concurring, filed in the office of the Clerk of the Supreme Court, and preserved with a record of the case. Any judge dissenting therefrom, may give the reasons of his dissent in writing over his signature.

SEC. 26. *Id. Court to prepare syllabus.* It shall be the duty of the court to prepare a syllabus of all the points adjudicated in each case, which shall

be concurred in by a majority of the judges thereof, and it shall be prefixed to the published reports of the case.

SEC. 27. *Judge forfeits office by absence.* Any judicial officer who shall absent himself from the State or district for more than ninety consecutive days, shall be deemed to have forfeited his office: Provided, That in case of extreme necessity, the Governor may extend the leave of absence to such time as the necessity therefor shall exist.

ARTICLE IX

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT

SECTION 1. *Election of congressman.* One Representative in the Congress of the United States shall be elected from the State at large on the Tuesday next after the first Monday in November, A.D. 1895, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the Legislature shall divide the State into congressional districts accordingly.

SEC. 2. *Decennial census to be taken.* The Legislature shall provide by law for an enumeration of the inhabitants of the State, A.D. 1905, and every tenth year thereafter, and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for senators and representatives on the basis of such enumeration according to ratios to be fixed by law.

SEC. 3. *Number of members of legislature.* The Senate shall consist of eighteen members, and the House of Representatives of forty-five members. The Legislature may increase the number of senators and representatives, but the senators shall never exceed thirty in number, and the number of representatives shall never be less than twice nor greater than three times the number of senators.

SEC. 4. *Senatorial districts, how formed.* When more than one county shall constitute a senatorial district, such counties shall be contiguous, and no county shall be divided in the formation of such districts unless such county contains sufficient population within itself to form two or more districts, nor shall a part of any county be united with any other county in forming any district.

REPRESENTATIVE DISTRICTS

Until otherwise provided by law, representatives shall be apportioned among the several counties of the State as follows: Provided, That in

any future apportionment made by the Legislature, each county shall be entitled to at least one representative.

The County of Box Elder shall constitute the First Representative District, and be entitled to one representative.

The County of Cache shall constitute the Second Representative District, and be entitled to three representatives.

The County of Rich shall constitute the Third Representative District, and be entitled to one representative.

The County of Weber shall constitute the Fourth Representative District, and be entitled to four representatives.

The County of Morgan shall constitute the Fifth Representative District, and be entitled to one representative.

The County of Davis shall constitute the Sixth Representative District, and be entitled to one representative.

The County of Tooele shall constitute the Seventh Representative District, and be entitled to one representative.

The County of Salt Lake shall constitute the Eighth Representative District, and be entitled to ten representatives.

The County of Summit shall constitute the Ninth Representative District, and be entitled to one representative.

The County of Wasatch shall constitute the Tenth Representative District, and be entitled to one representative.

The County of Utah shall constitute the Eleventh Representative District, and be entitled to four representatives.

The County of Uintah shall constitute the Twelfth Representative District, and be entitled to one representative.

The County of Juab shall constitute the Thirteenth Representative District, and be entitled to one representative.

The County of San Pete shall constitute the Fourteenth Representative District, and be entitled to two representatives.

The County of Carbon shall constitute the Fifteenth Representative District, and be entitled to one representative.

The County of Emery shall constitute the Sixteenth Representative District, and be entitled to one representative.

The County of Grand shall constitute the Seventeenth Representative District, and be entitled to one representative.

The County of Sevier shall constitute the Eighteenth Representative District, and be entitled to one representative.

The County of Millard shall constitute the Nineteenth Representative District, and be entitled to one representative.

The County of Beaver shall constitute the Twentieth Representative District, and be entitled to one representative.

The County of Piute shall constitute the Twenty-first Representative District, and be entitled to one representative.

The County of Wayne shall constitute the Twenty-second Representative District, and be entitled to one representative.

The County of Garfield shall constitute the Twenty-third Representative District, and be entitled to one representative.

The County of Iron shall constitute the Twenty-fourth Representative District, and be entitled to one representative.

The County of Washington shall constitute the Twenty-fifth Representative District, and be entitled to one representative.

The County of Kane shall constitute the Twenty-sixth Representative District, and be entitled to one representative.

The County of San Juan shall constitute the Twenty-seventh Representative District, and be entitled to one representative.

SENATORIAL DISTRICTS

Until otherwise provided by law, the Senatorial Districts shall be constituted and numbered as follows :

The Counties of Box Elder and Tooele shall constitute the First District, and be entitled to one Senator.

The County of Cache shall constitute the Second District, and be entitled to one Senator.

The Counties of Rich, Morgan, and Davis shall constitute the Third District, and be entitled to one Senator.

The County of Weber shall constitute the Fourth District, and be entitled to two Senators.

The Counties of Summit and Wasatch shall constitute the Fifth District, and be entitled to one Senator.

The County of Salt Lake shall constitute the Sixth District, and be entitled to five Senators.

The County of Utah shall constitute the Seventh District, and be entitled to two Senators.

The Counties of Juab and Millard shall constitute the Eighth District, and be entitled to one Senator.

The County of San Pete shall constitute the Ninth District, and be entitled to one Senator.

The Counties of Sevier, Wayne, Piute, and Garfield shall constitute the Tenth District, and be entitled to one Senator.

The Counties of Beaver, Iron, Washington, and Kane shall constitute the Eleventh District, and be entitled to one Senator.

The Counties of Emery, Carbon, Uintah, Grand, and San Juan shall constitute the Twelfth District, and be entitled to one Senator.

ARTICLE X

EDUCATION

SECTION 1. *Free non-sectarian schools.* The Legislature shall provide for the establishment and maintenance of a uniform system of public schools, which shall be open to all children of the State, and be free from sectarian control.

SEC. 2. *Public school system. Maintenance.* The Public School system shall include kindergarten schools; common schools, consisting of primary and grammar grades; high schools; an Agricultural College; a University, and such other schools as the Legislature may establish. The common schools shall be free. The other departments of the system shall be supported as provided by law: Provided, That high schools may be maintained free in all cities of the first and second class now constituting school districts, and in such other cities and districts as may be designated by the Legislature. But where the proportion of school monies apportioned or accruing to any city or district shall not be sufficient to maintain all the free schools in such city or district, the high schools shall be supported by local taxation.

SEC. 3. *State school fund. Interest distributed.* The proceeds of all lands that have been, or may be granted by the United States to this State, for the support of the common schools; the proceeds of all property that may accrue to the State by escheat or forfeiture; all unclaimed shares and dividends of any corporation incorporated under the laws of this State; the proceeds of the sale of timber, minerals or other property from school and State lands, other than those granted for specific purposes; and the five per centum of the net proceeds of the sales of public lands lying within the State, which shall be sold by the United States, subsequent to the admission of this State into the Union, shall be and remain a perpetual fund, to be called the State School Fund, the interest of which only, together with such other means as the Legislature may provide, shall be distributed among the several school districts according to the school population residing therein.

AMENDMENT TO SECTION 3 OF ARTICLE X

SEC. 3. *Declaring what shall constitute the state school fund, and providing for the apportionment of high school funds.* The proceeds of all lands

that have been or may be granted by the United States to this State, for the support of the common schools; the proceeds of all property that may accrue to the State by escheat or forfeiture; all unclaimed shares and dividends of any corporation incorporated under the laws of this State; the proceeds of the sale of timber, mineral or other property from school and State lands, other than those granted for specific purposes; and five per centum of the net proceeds of the sale of public lands lying within the State, which shall be sold by the United States, subsequent to the admission of this State into the Union, shall be and remain a perpetual fund, to be called the State School Fund, the interest of which only, together with such other means as the Legislature may provide, shall be distributed among the several school districts according to the school population residing therein. Provided, That all funds derived from any State tax for high schools shall be apportioned among the several cities and school districts according to the attendance at the high schools therein; but no city or district shall be entitled to any part of the fund derived from the State tax for high schools unless the high school therein is maintained upon the standard and for the period during the year that may be fixed by the State Board of Education. (Amendment adopted November 8th, 1910.)

SEC. 4. *University and agricultural college located. Rights, etc.* The location and establishment by existing laws of the University of Utah, and the Agricultural College are hereby confirmed, and all the rights, immunities, franchises and endowments heretofore granted or conferred, are hereby perpetuated unto said University and Agricultural College respectively.

SEC. 5. *Proceeds of land grants to constitute permanent funds.* The proceeds of the sale of lands reserved by an Act of Congress, approved February 21st, 1855, for the establishment of the University of Utah, and of all the lands granted by an Act of Congress, approved July 16th, 1894, shall constitute permanent funds, to be safely invested and held by the State; and the income thereof shall be used exclusively for the support and maintenance of the different institutions and colleges, respectively, in accordance with the requirements and conditions of said Acts of Congress.

SEC. 6. *Separate control of city schools.* In cities of the first and second class, the public school system shall be maintained and controlled, by the Board of Education of such cities, separate and apart from the counties in which said cities are located.

SEC. 7. *School funds guaranteed by state.* All public School Funds shall be guaranteed by the State against loss or diversion.

SEC. 8. *State board of education.* The general control and supervision of the Public School System shall be vested in a State Board of Education, consisting of the Superintendent of Public Instruction, and such other persons as the Legislature may provide.

SEC. 9. *Text books.* Neither the Legislature nor the State Board of Education shall have power to prescribe text book to be used in the common schools.

SEC. 10. *Institutions for deaf, dumb, and blind. Property. Fund.* Institutions for the Deaf and Dumb, and for the Blind are hereby established. All property belonging to the school for the Deaf and Dumb heretofore connected with the University of Utah, shall be transferred to said Institution for the Deaf and Dumb. All the proceeds of the lands granted by the United States, for the support of the Deaf and Dumb Asylum, and for an Institution for the Blind, shall be a perpetual fund for the maintenance of said institutions. It shall be a trust fund, the principal of which shall remain inviolate, guaranteed by the State against loss by diversion.

SEC. 11. *Metric system.* The Metric System shall be taught in the public schools of the State.

SEC. 12. *No religious or partisan tests in schools.* Neither religious nor partisan test or qualification shall be required of any person, as a condition of admission, as teacher or student, into any public educational institution of the State.

SEC. 13. *Public aid to church schools forbidden.* Neither the Legislature nor any county, city, town, school district or other public corporation, shall make any appropriation to aid in the support of any school, seminary, academy, college, university or other institution, controlled in whole, or in part, by any church, sect or denomination whatever.

ARTICLE XI

COUNTIES, CITIES AND TOWNS

SECTION 1. *Existing counties, precincts, etc., recognized.* The several counties of the Territory of Utah, existing at the time of the adoption of this Constitution, are hereby recognized as legal subdivisions of this State, and the precincts, and school districts, now existing in said counties, as legal subdivisions thereof, and they shall so continue until changed by law in pursuance of this article.

SEC. 2. *Removal of county seats.* No County Seat shall be removed unless two thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal, and

two thirds of the votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.

SEC. 3. *Changing county lines.* No territory shall be stricken from any county unless a majority of the voters living in such territory, as well as of the county to which it is to be annexed, shall vote therefor, and then only under such conditions as may be prescribed by general law.

SEC. 4. *Uniform county government.* The Legislature shall establish a system of County government, which shall be uniform throughout the State, and by general laws shall provide for precinct and township organizations.

SEC. 5. *Special municipal charters forbidden.* Corporations for municipal purposes shall not be created by special laws; the Legislature, by general laws, shall provide for the incorporation, organization, and classification of cities and towns in proportion to population; which laws may be altered, amended or repealed.

SEC. 6. *Municipalities forbidden to sell waterworks or rights.* No municipal corporation shall directly, or indirectly, lease, sell, alien or dispose of any waterworks, water rights, or sources of water supply now, or hereafter to be owned or controlled by it; but all such waterworks, water-rights and sources of water supply now owned or hereafter to be acquired by any municipal corporation, shall be preserved, maintained and operated by it for supplying its inhabitants with water at reasonable charges: Provided, That nothing herein contained shall be construed to prevent any such municipal corporation from exchanging water rights, or sources of water supply for other water rights or sources of water supply of equal value, and to be devoted in like manner to the public supply of its inhabitants.

ARTICLE XII

CORPORATIONS

SECTION 1. *Corporations. Formation. Control.* Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended or repealed by the Legislature, and all corporations doing business in this State, may, as to such business, be regulated, limited or restrained by law.

SEC. 2. *Existing corporations to accept constitution.* All existing charters, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution,

shall thereafter have no validity; and no corporation in existence at the time of the adoption of this Constitution shall have the benefit of future legislation without first filing in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

SEC. 3. *Legislature not to extend or validate franchises.* The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this State.

SEC. 4. *"Corporation" defined. Suits.* The term "Corporation," as used in this article, shall be construed to include all associations and joint-stock companies having any powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural persons.

SEC. 5. *Corporate stock. Issuance, increase, etc.* Corporations shall not issue stock, except to bona fide subscribers thereof or their assignee, nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received, or labor done. The stock of corporations shall not be increased, except in pursuance of general law, nor shall any law authorize the increase of stock without the consent of the person or persons holding the larger amount in value of the stock, or without due notice of the proposed increase having previously been given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

SEC. 6. *Privileges of foreign corporations.* No corporations organized outside of this State, shall be allowed to transact business within the State on conditions more favorable than those prescribed by law to similar corporations organized under the laws of this State.

SEC. 7. *Limitation on alienation of franchise.* No corporation shall lease or alienate any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor, or grantor, lessee or grantee, contracted or incurred in operation, use or enjoyment of such franchise or any of its privileges.

SEC. 8. *Consent of local authorities necessary to use of streets.* No law shall be passed granting the right to construct and operate a street railroad, telegraph, telephone or electric light plant within any city or incorporated town, without the consent of the local authorities who have control of the street or highway proposed to be occupied for such purposes.

SEC. 9. *Place of business, process agent, etc.* No corporation shall do business in this State, without having one or more places of business, with

an authorized agent or agents, upon whom process may be served; nor without first filing a certified copy of its articles of incorporation with the Secretary of State.

SEC. 10. *Corporations limited to authorized objects.* No corporation shall engage in any business other than that expressly authorized in its charter, or articles of incorporation.

SEC. 11. *Franchises may be taken for public use.* The exercise of the right of eminent domain shall never be so abridged or construed, as to prevent the Legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals.

SEC. 12. *Common carriers.* All railroad and other transportation companies are declared to be common carriers, and subject to legislative control; and such companies shall receive and transport each other's passengers and freight, without discrimination or unnecessary delay.

SEC. 13. *Competing railroads not to consolidate.* No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a competing line.

SEC. 14. *Rolling stock considered personal property.* The rolling stock, and other moveable property, belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to taxation and to execution and sale, in the same manner as the personal property of individuals, and such property shall not be exempted from execution and sale.

SEC. 15. *Legislature to prescribe maximum rates. Discriminations.* The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, for correcting abuses, and preventing discrimination and extortion in rates of freight and passenger tariffs by the different railroads, and other common carriers in the State, and shall enforce such laws by adequate penalties.

SEC. 16. *Armed bodies not to enter state, when.* No corporation or association shall bring any armed person or bodies of men into this State for the preservation of the peace, or the suppression of domestic trouble without authority of law.

SEC. 17. *Employee of corporation ineligible to municipal office, when.* No officer, employee, attorney or agent of any corporation, company or association doing business under, or by virtue of any municipal charter or franchise, shall be eligible to or permitted to hold any municipal office, in the municipality granting such charter or franchise.

SEC. 18. *Liability of stockholders of banks.* The stockholders in every corporation, and joint stock association for banking purposes, in addition

to the amount of capital stock subscribed and fully paid by them, shall be individually responsible for an additional amount, equal to the amount of their stock in such corporation, for all its debts and liabilities of every kind.

SEC. 19. *Blacklisting forbidden.* Every person in this State shall be free to obtain employment whenever possible, and any person, corporation, or agent, servant or employee thereof, maliciously interfering or hindering in any way, any person from obtaining, or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a crime. The Legislature shall provide by law for the enforcement of this section.

SEC. 20. *Trusts and combinations prohibited.* Any combination by individuals, corporations, or associations, having for its object or effect the controlling of the price of any products of the soil, or of any article of manufacture or commerce, or the cost of exchange or transportation, is prohibited, and hereby declared unlawful, and against public policy. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, it may declare a forfeiture of their franchise.

ARTICLE XIII

REVENUE AND TAXATION

SECTION 1. *Fiscal year.* The fiscal year shall begin on the first day of January, unless changed by the Legislature.

SEC. 2. *What property taxable. Definitions. Revenue.* All property in the State, not exempt under the laws of the United States, or under this Constitution, shall be taxed in proportion to its value, to be ascertained as provided by law. The word property, as used in this article, is hereby declared to include monies, credits, bonds, stocks, franchises and all matters and things (real, personal and mixed) capable of private ownership; but this shall not be so construed as to authorize the taxation of the stocks of any company or corporation, when the property of such company or corporation represented by such stocks, has been taxed. The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the State for each fiscal year. For the purpose of paying the State debt, if any there be, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest, and principal of such debt, within twenty years from the final passage of the law creating the debt.

SEC. 3. *Legislature to provide uniform tax. Exemptions.* The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the State, according to its value in money, and shall prescribe by general law such regulations as shall secure a just valuation for taxation of all property; so that every person and corporation shall pay a tax in proportion to the value of his, her or its property: Provided, That a deduction of debts from credits may be authorized: Provided further, That the property of the United States, of the State, counties, cities, towns, school districts, municipal corporations and public libraries, lots with the buildings thereon used exclusively for either religious worship or charitable purposes, and places of burial not held or used for private or corporate benefit, shall be exempt from taxation. Ditches, canals, and flumes owned and used by individuals or corporations, for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned, and used exclusively for such purpose.

SEC. 4. *Taxation of mines.* All mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, lead, coal or other valuable mineral deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor, unless the surface ground, or some part thereof, of such mine or claim, is used for other than mining purposes, and has a separate and independent value for such other purposes; in which case said surface ground, or any part thereof, so used for other than mining purposes, shall be taxed at its value for such other purposes, as provided by law; and all the machinery used in mining, and all property and surface improvements upon or appurtenant to mines and mining claims, which have a value separate and independent of such mines or mining claims, and the net annual proceeds of all mines and mining claims, shall be taxed as provided by law.

SEC. 5. *Local authorities to levy local taxes.* The Legislature shall not impose taxes for the purpose of any county, city, town or other municipal corporation, but may, by law, vest in the corporate authorities thereof, respectively, the power to assess and collect taxes for all purposes of such corporation.

SEC. 6. *Annual statement to be published.* An accurate statement of the receipts and expenditures of the public monies, shall be published annually in such manner as the Legislature may provide.

SEC. 7. *Tax rate for state purposes.* The rate of taxation on property, for State purposes, shall never exceed eight mills on each dollar of valuation; and whenever the taxable property within the State shall amount to two hundred million dollars, the rate shall not exceed five mills on each dollar

of valuation; and whenever the taxable property within the State shall amount to two hundred million dollars, the rate shall not exceed five mills on each dollar of valuation; and whenever the taxable property within the State shall amount to three hundred million dollars, the rate shall never thereafter exceed four mills on each dollar of valuation; unless a proposition to increase such rate, specifying the rate proposed, and the time during which the same shall be levied, be first submitted to a vote of such of the qualified electors of the State, as in the year next preceding such election, shall have paid a property tax assessed to them within the State, and the majority of those voting thereon shall vote in favor thereof, in such manner as may be provided by law.

AMENDMENT TO SECTION 7 OF ARTICLE XIII

SECTION 7. *Fixing the rate of taxation for state purposes, apportioning same and creating a high-school fund.* The rate of taxation on property for state purposes shall never exceed eight mills on each dollar of valuation to be apportioned as follows: Not to exceed four and one half mills on each dollar of valuation for general state purposes; not to exceed three mills on each dollar of valuation for district school purposes; Not to exceed one half mill on each dollar of valuation for High School purposes; That part of the state tax apportioned to high school purposes shall constitute a fund to be called the "high school fund" and shall be apportioned to the cities and school districts maintaining high schools in the manner the legislature may provide. And whenever the taxable property within the state shall amount to four hundred million dollars, the rate shall not exceed five mills on each dollar of valuation; unless a proposition to increase such rate, specifying the rate proposed and the time during which the same shall be levied, be first submitted to a vote of such of the qualified electors of the State as, in the year next preceding such election, shall have paid a property tax assessed to them within the State, and the majority of those voting thereon shall vote in favor thereof, in such manner as may be provided by law. (Amendment adopted November 8th, 1910.)

SEC. 8. *Officer not to make profit out of public moneys.* The making of profit out of public monies, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law, but part of such punishment shall be disqualification to hold public office.

SEC. 9. *State expenditures to be kept within revenues.* No appropriation shall be made, or any expenditure authorized by the Legislature, whereby the expenditure of the State, during any fiscal year, shall exceed the total

tax then provided for by law, and applicable for such appropriation or expenditure, unless the Legislature making such appropriation, shall provide for levying a sufficient tax, not exceeding the rates allowed in section seven of this article, to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrections, defend the State, or assist in defending the United States in time of war.

SEC. 10. *All property taxable where situated.* All corporations or persons in this State, or doing business herein, shall be subject to taxation for State, County, School, Municipal or other purposes, on the real and personal property owned or used by them within the territorial limits of the authority levying the tax.

SEC. 11. *State and county boards of equalization.* Until otherwise provided by law, there shall be a State Board of Equalization, consisting of the Governor, State Auditor, State Treasurer, Secretary of State and Attorney-General; also, in each county of this State, a County Board of Equalization, consisting of the Board of County Commissioners of said county. The duty of the State Board of Equalization shall be to adjust and equalize the valuation of the real and personal property among the several counties of the State. The duty of the County Board of Equalization shall be to adjust and equalize the valuation of the real and personal property within their respective counties. Each Board shall also perform such other duties as may be prescribed by law.

SEC. 12. *Stamp, income, license, franchise, or mortgage tax permissible.* Nothing in this Constitution shall be construed to prevent the Legislature from providing a stamp tax, or a tax based on income, occupation, licenses, franchises or mortgages.

ARTICLE XIV

PUBLIC DEBT

SECTION 1. *State debt limitation.* To meet casual deficits or failures in revenue, and for necessary expenditures for public purposes, including the erection of public buildings, and for the payment of all Territorial indebtedness assumed by the State, the State may contract debts, not exceeding in the aggregate at any one time, the sum of two hundred thousand dollars over and above the amount of the Territorial indebtedness assumed by the State. But when the said Territorial indebtedness shall have been paid, the State shall never contract any indebtedness, except as in the next section provided, in excess of the sum of two hundred thousand dollars, and

all monies arising from loans herein authorized, shall be applied solely to the purposes for which they were obtained.

AMENDMENT TO SECTION 1 OF ARTICLE XIV

SECTION 1. *Fixing the limit of the state indebtedness.* To meet casual deficits or failures in revenue, and for necessary expenditures for public purposes, including the erection of public buildings, and for the payment of all Territorial indebtedness assumed by the State, the State may contract debts, not exceeding in the aggregate at any one time, an amount equal to one and one half per centum of the value of the taxable property of the State, as shown by the last assessment for State purposes, previous to the incurring of such indebtedness. But the State shall never contract any indebtedness, except as in the next Section provided, in excess of such amount, and all moneys arising from loans herein authorized, shall be applied solely to the purposes for which they were obtained. (Amendment adopted November 8, 1910.)

SEC. 2. *Debts for public defense.* The State may contract debts to repel invasion, suppress insurrection, or to defend the State in war, but the money arising from the contracting of such debts shall be applied solely to the purpose for which it was obtained.

SEC. 3. *Debts of counties, cities, etc., not to exceed revenue. Exception.* No debt in excess of the taxes for the current year shall be created by any county or subdivision thereof, or by any school district therein, or by any city, town or village, or any subdivision thereof in this State; unless the proposition to create such debt, shall have been submitted to a vote of such qualified electors as shall have paid a property tax therein, in the year preceding such election, and a majority of those voting thereon shall have voted in favor of incurring such debt.

SEC. 4. *Limit of indebtedness of counties, cities, etc.* When authorized to create indebtedness as provided in section three of this article, no county shall become indebted to an amount, including existing indebtedness, exceeding two per centum. No city, town, school district or other municipal corporation, shall become indebted to an amount, including existing indebtedness, exceeding four per centum of the value of the taxable property therein, the value to be ascertained by the last assessment for State and county purposes, previous to the incurring of such indebtedness; except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: Provided, That no part of the indebtedness allowed in this section, shall be incurred for other than strictly county, city, town or school district purposes: Provided, further, That any city or

town, when authorized as provided in Section three of this Article, may be allowed to incur a larger indebtedness, not exceeding four per centum additional, for supplying such city or town with water, artificial lights or sewers, when the works for supplying such water, light and sewers, shall be owned and controlled by the municipality.

AMENDMENT TO SECTION 4 OF ARTICLE XIV

SECTION 4. *Fixing the limit of indebtedness of counties, cities, towns and school districts.* When authorized to create indebtedness as provided in Section 3 of this article, no county shall become indebted to an amount, including existing indebtedness exceeding two per centum. No city, town, school district or other municipal corporation, shall become indebted to an amount, including existing indebtedness, exceeding four per centum of the value of the taxable property therein, the value to be ascertained by the last assessment for State and County purposes, previous to the incurring of such indebtedness; except that in incorporated cities the assessment shall be taken from the last assessment for city purposes; provided, that, no part of the indebtedness allowed in this section shall be incurred for other than strictly county, city, town or school district purposes: provided further, that any city of the first and second class when authorized as provided in Section three of this article, may be allowed to incur a larger indebtedness, not to exceed four per centum and any city of the third class, or town, not to exceed eight per centum additional, for supplying such city or town with water, artificial lights or sewers, when the works for supplying such water, light and sewers, shall be owned and controlled by the municipality. (Amendment adopted November 8th, 1910.)

SEC. 5. *Borrowed money to be applied to authorized use.* All monies borrowed by, or on behalf of the State, or any legal subdivision thereof, shall be used solely for the purpose specified in the law authorizing the loan.

SEC. 6. *State not to assume county, etc., debts.* The State shall not assume the debt, or any part thereof, of any county, city, town or school district.

SEC. 7. *Existing indebtedness not impaired.* Nothing in this article shall be so construed as to impair or add to the obligation of any debt heretofore contracted, in accordance with the laws of Utah Territory, by any county, city, town or school district, or to prevent the contracting of any debt, or the issuing of bonds therefor, in accordance with said laws, upon any proposition for that purpose, which, according to said laws, may have been submitted to a vote of the qualified electors of any county, city, town or school district before the day on which this Constitution takes effect.

ARTICLE XV

MILITIA

SECTION 1. *How constituted.* The militia shall consist of all able-bodied male inhabitants of the State, between the ages of eighteen and forty-five years, except such as are exempted by law.

SEC. 2. *Organization and equipment.* The Legislature shall provide by law for the organization, equipment and discipline of the militia, which shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

ARTICLE XVI

LABOR

SECTION 1. *Rights of labor to be protected.* The rights of labor shall have just protection through laws calculated to promote the industrial welfare of the State.

SEC. 2. *Board of labor.* The Legislature shall provide by law, for a Board of Labor, Conciliation and Arbitration, which shall fairly represent the interests of both capital and labor. The Board shall perform duties and receive compensation as prescribed by law.

SEC. 3. *Certain employments, etc., to be prohibited.* The Legislature shall prohibit:

- (1) The employment of women, or of children under the age of fourteen years, in underground mines.
- (2) The contracting of convict labor.
- (3) The labor of convicts outside prison grounds, except on public works under the direct control of the State.
- (4) The political and commercial control of employees.

SEC. 4. *Exchange of blacklists prohibited.* The exchange of blacklists by railroad companies, or other corporations, associations or persons is prohibited.

SEC. 5. *Injuries resulting in death. Damages.* The right of action to recover damages for injuries resulting in death, shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation.

SEC. 6. *Eight hours a day's labor on public works.* Eight hours shall constitute a day's work on all works or undertakings carried on or aided by the State, County or Municipal governments; and the Legislature shall pass laws to provide for the health and safety of employees in factories, smelters and mines.

SEC. 7. *Legislature to enforce this article.* The Legislature, by appropriate legislation, shall provide for the enforcement of the provisions of this article.

ARTICLE XVII

WATER RIGHTS

SECTION 1. *Existing rights confirmed.* All existing rights to the use of any of the waters in this State, for any useful or beneficial purpose, are hereby recognized and confirmed.

ARTICLE XVIII

FORESTRY

SECTION 1. *Forests to be preserved.* The Legislature shall enact laws to prevent the destruction of and to preserve the Forests on the lands of the State, and upon any part of the public domain, the control of which may be conferred by Congress upon the State.

ARTICLE XIX

PUBLIC BUILDINGS AND STATE INSTITUTIONS

SECTION 1. *Property of territory becomes property of state* All Institutions and other property of the Territory, upon the adoption of this Constitution, shall become the Institutions and property of the State of Utah.

SEC. 2. *Charitable and penal institutions, how maintained.* Reformatory and Penal institutions, and those for the benefit of the Insane, Blind, Deaf and Dumb, and such other institutions as the public good may require, shall be established and supported by the State in such manner, and under such boards of control as may be prescribed by law.

SEC. 3. *Seat of government and public institutions permanently located.* The Public Institutions of the State are hereby permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States, in the Act of Congress, approved July 16th, 1894, to be disposed of and used in such manner as the Legislature may provide:

First: The Seat of Government and the State Fair at Salt Lake City, and the State Prison in the County of Salt Lake.

Second: The Institutions for the Deaf and Dumb, and the Blind, and the State Reform School at Ogden City, in the County of Weber.

Third: The State Insane Asylum at Provo City, in the County of Utah.

ARTICLE XX

PUBLIC LANDS

SECTION 1. *Land grants accepted on terms of trust.* All lands of the State that have been, or may hereafter be granted to the State by Congress, and all lands acquired by gift, grant or devise, from any person or corporation, or that may otherwise be acquired, are hereby accepted, and declared to be the public lands of the State; and shall be held in trust for the people, to be disposed of as may be provided by law, for the respective purposes for which they have been or may be granted, donated, devised or otherwise acquired.

ARTICLE XXI

SALARIES

SECTION 1. *Public officers to be paid salaries. Exceptions.* All State, district, city, county, town, and school officers, excepting notaries public, boards of arbitration, court commissioners, justices of the peace and constables, shall be paid fixed and definite salaries: Provided, That city justices may be paid by salary when so determined by the mayor and council of such cities.

SEC. 2. *Legislature to provide fees. Accounting.* The Legislature shall provide by law, the fees which shall be collected by all officers within the State. Notaries public, boards of arbitration, court commissioners, justices of the peace, and constables paid by fees, shall accept said fees as their full compensation. But all other State, district, county, city, town and school officers, shall be required by law to keep a true and correct account of all fees collected by them, and to pay the same into the proper treasury, and the officer whose duty it is to collect such fees shall be held responsible under his bond for the same.

ARTICLE XXII

MISCELLANEOUS

SECTION 1. *Homestead exemption.* The Legislature shall provide by law, for the selection by each head of a family, and exemption of a homestead, which may consist of one or more parcels of lands, together with the appurtenances and improvements thereon of the value of at least fifteen hundred dollars from sale on execution.

SEC. 2. *Property rights of married women.* Real and personal estate of every female, acquired before marriage, and all property to which she may afterwards become entitled by purchase, gift, grant, inheritance or devise, shall be and remain the estate and property of such female, and shall not be liable for the debts, obligations or engagements of her husband, and may be conveyed, devised or bequeathed by her as if she were unmarried.

ARTICLE XXIII

AMENDMENTS

SECTION 1. *Amendments: proposal, election.* Any amendment or amendments to this Constitution may be proposed in either house of the Legislature, and if two thirds of all the members elected to each of the two houses, shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays taken thereon; and the Legislature shall cause the same to be published in at least one newspaper in every county of the State, where a newspaper is published, for two months immediately preceding the next general election, at which time the said amendment or amendments shall be submitted to the electors of the State, for their approval or rejection, and if a majority of the electors voting thereon shall approve the same, such amendment or amendments shall become part of this Constitution. If two or more amendments are proposed, they shall be so submitted as to enable the electors to vote on each of them separately.

SEC. 2. *Revision of the Constitution.* Whenever two thirds of the members, elected to each branch of the Legislature, shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote, at the next general election, for or against a convention, and, if a majority of all the electors voting at such election, shall vote for a convention, the Legislature, at its next session, shall provide by law for calling the same. The convention shall consist of not less than the number of members in both branches of the Legislature.

SEC. 3. *Id. Submission to electors.* No Constitution, or amendments adopted by such Convention, shall have validity until submitted to, and adopted by, a majority of the electors of the State voting at the next general election.

ARTICLE XXIV

SCHEDULE

SECTION 1. *Actions, contracts, etc., to continue.* In order that no inconvenience may arise, by reason of the change from a Territorial to a State

Government, it is hereby declared that all writs, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, both public and private, shall continue as if no change had taken place; and all process which may issue, under the authority of the Territory of Utah, previous to its admission into the Union, shall be as valid as if issued in the name of the State of Utah.

SEC. 2. *Territorial laws continued.* All laws of the Territory of Utah now in force, not repugnant to this Constitution, shall remain in force until they expire by their own limitations, or are altered or repealed by the Legislature. The act of the Governor and Legislative Assembly of the Territory of Utah, entitled, "An act to punish polygamy and other kindred offenses," approved February 4th, A.D. 1892, in so far as the same defines and imposes penalties for polygamy, is hereby declared to be in force in the State of Utah.

SEC. 3. *Prisoners to be held.* Any person, who, at the time of the admission of the State into the Union, may be confined under lawful commitment, or otherwise lawfully held to answer for alleged violation of any of the criminal laws of the Territory of Utah, shall continue to be so held or confined, until discharged therefrom by the proper courts of the State.

SEC. 4. *Fines, etc., due the territory. Debts of the territory.* All fines, penalties and forfeitures accruing to the Territory of Utah, or to the people of the United States in the Territory of Utah, shall inure to this State, and all debts, liabilities and obligations of said Territory shall be valid against the State, and enforced as may be provided by law.

SEC. 5. *Recognizances. Judgments. Records. Fines due counties, etc.* All recognizances heretofore taken, or which may be taken before the change from a Territorial to a State Government, shall remain valid, and shall pass to and be prosecuted in the name of the State; and all bonds executed to the Governor of the Territory, or to any other officer or court in his or their official capacity, or to any official board for the benefit of the Territory of Utah, or the people thereof, shall pass to the Governor or other officer, court or board, and his or their successors in office, for the uses therein, respectively expressed, and may be sued on, and recovery had accordingly. Assessed taxes, and all revenue, property, real, personal or mixed, and all judgments, bonds, specialties, choses in action, claims and debts, of whatsoever description; and all records and public archives of the Territory of Utah, shall issue and vest in the State of Utah, and may be sued for and recovered, in the same manner, and to the same extent by the State of Utah, as the same could have been by the Territory of Utah; and all fines, taxes, penalties and forfeitures, due or owing to any county, municipality or school district therein, at the

time the State shall be admitted into the Union, are hereby respectively assigned and transferred, and the same shall be payable to the county, municipality or school district, as the case may be, and payment thereof be enforced under the laws of the State.

SEC. 6. *Criminal prosecutions begun and crimes committed before statehood.* All criminal prosecutions, and penal actions, which may have arisen, or which may arise before the change from a Territorial to a State Government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State, and in the court having jurisdiction thereof. All offenses committed against the laws of the Territory of Utah, before the change from a Territorial to a State Government, and which shall not have been prosecuted before such change, may be prosecuted in the name, and by the authority of the State of Utah, with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this Constitution had not been adopted.

SEC. 7. *Transfer of causes, records, etc.* All actions, cases, proceedings and matters, pending in the Supreme and District Courts of the Territory of Utah, at the time the State shall be admitted into the Union, and all files, records and indictments relating thereto, except as otherwise provided herein, shall be appropriately transferred to the Supreme and District Courts of the State respectively; and thereafter all such actions, matters and cases, shall be proceeded with in the proper State courts. All actions, cases, proceedings and matters which shall be pending in the District Courts of the Territory of Utah, at the time of the admission of the State into the Union, whereof the United States Circuit or District Courts might have had jurisdiction had there been a State Government at the time of the commencement thereof respectively, shall be transferred to the proper United States Circuit and District Courts respectively; and all files, records, indictments and proceedings relating thereto, shall be transferred to said United States Courts: Provided, That no civil actions, other than causes and proceedings of which the said United States' Courts shall have exclusive jurisdiction, shall be transferred to either of said United States' Courts except upon motion or petition by one of the parties thereto, made under and in accordance with the act or acts of the Congress of the United States, and such motion and petition not being made, all such cases shall be proceeded with in the proper State Courts.

SEC. 8. *Seals of courts.* Upon a change from Territorial to State Government, the seal in use by the Supreme Court of the Territory of Utah, until otherwise provided by law, shall pass to and become the Seal of the Supreme Court of the State, and the several District Courts of the State may adopt seals for their respective courts, until otherwise provided by law.

SEC. 9. *Transfer of probate causes to district courts.* When the State is admitted into the Union, and the District Courts in the respective districts are organized, the books, records, papers and proceedings of the probate court in each county, and all causes and matters of administration pending therein, upon the expiration of the term of office of the Probate Judge, on the second Monday in January, 1896, shall pass into the jurisdiction and possession of the District Court, which shall proceed to final judgment or decree, order or other determination in the several matters and causes, as the Territorial Probate Court might have done, if this Constitution had not been adopted. And until the expiration of the term of office of the Probate Judges, such Probate Judges shall perform the duties now imposed upon them by the laws of the Territory. The District Courts shall have appellate and revisory jurisdiction over the decisions of the Probate Courts as now provided by law, until such latter courts expire by limitation.

SEC. 10. *Officers to hold office until superseded.* All officers, civil and military, now holding their offices and appointments in this Territory by authority of law, shall continue to hold and exercise their respective offices and appointments, until superseded under this Constitution: Provided, That the provisions of this section shall be subject to the provisions of the Act of Congress, providing for the admission of the State of Utah, approved by the President of the United States on July 16th, 1894.

SEC. 11. *Election for adoption or rejection of Constitution, and for state officers. Voters.* The election for the adoption or rejection of this Constitution, and for State Officers herein provided for, shall be held on the Tuesday next after the first Monday in November, 1895, and shall be conducted according to the laws of the Territory, and the provisions of the Enabling Act; the votes cast at said election shall be canvassed, and returns made, in the same manner as was provided for in the election for delegates to the Constitutional Convention.

Provided, That all male citizens of the United States over the age of twenty-one years, who have resided in this Territory for one year next prior to such election, are hereby authorized to vote for or against the adoption of this Constitution, and for the State Officers herein provided for. The returns of said election shall be made to the Utah Commission, who shall cause the same to be canvassed, and shall certify the result of the vote for or against the Constitution, to the President of the United States, in the manner required by the Enabling Act; and said Commission shall issue certificates of election to the persons elected to said offices severally, and shall make and file with the Secretary of the Territory, an abstract, certified to by them, of the number of votes cast for each person for each of said offices, and of the total number of votes cast in each county.

SEC. 12. *Id. Officers to be elected.* The State Officers to be voted for at the time of the adoption of this Constitution, shall be a Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, Superintendent of Public Instruction, members of the Senate and House of Representatives, three Supreme Judges, nine District Judges, and a Representative to Congress.

SEC. 13. *Contest for district judgeship, how determined.* In case of a contest of election between candidates, at the first general election under this Constitution, for Judges of the District Courts, the evidence shall be taken in the manner prescribed by the Territorial laws, and the testimony so taken shall be certified to the Secretary of State, and said officer, together with the Governor and the Treasurer of the State, shall review the evidence, and determine who is entitled to the certificate of election.

SEC. 14. *Constitution to be submitted to voters. Ballot.* This Constitution shall be submitted for adoption or rejection, to a vote of the qualified electors of the proposed State, at the general election to be held on the Tuesday next after the first Monday in November, A. D. 1895. At the said election the ballot shall be in the following form :

For the Constitution. Yes. No.

As a heading to each of said ballots there shall be printed on each ballot the following Instructions to Voters :

All persons desiring to vote for the Constitution must erase the word "No."

All persons desiring to vote against the Constitution must erase the word "Yes."

SEC. 15. *Election of officers not provided for herein.* The Legislature, at its first session, shall provide for the election of all officers, whose election is not provided for elsewhere in this Constitution, and fix the time for the commencement and duration of their terms.

SEC. 16. *When Constitution in force.* The provisions of this Constitution shall be in force from the day on which the President of the United States shall issue his proclamation, declaring the State of Utah admitted into the Union ; and the terms of all officers elected at the first election under the provisions of this Constitution, shall commence on the first Monday, next succeeding the issue of said proclamation. Their terms of office shall expire when their successors are elected and qualified under this Constitution.

Done in Convention at Salt Lake City, in the Territory of Utah, this eighth day of May, in the year of our Lord one thousand eight hundred and ninety-five, and of the Independence of the United States the one hundred and nineteenth.

AMENDMENTS

ARTICLE VI

SECTION 1. *Power vested in Senate House and People.* The legislative power of the State shall be vested :

1. In a Senate and House of Representatives, which shall be designated the Legislature of the State of Utah.

2. In the people of the State of Utah as hereinafter stated :

The legal voters or such fractional part thereof of the State of Utah, as may be provided by law, under such conditions and in such manner and within such time as may be provided by law, may initiate any desired legislation and cause the same to be submitted to a vote of the people for approval or rejection, or may require any law passed by the Legislature (except those laws passed by a two thirds vote of the members elected to each house of the Legislature) to be submitted to the voters of the State before such law shall take effect.

The legal voters, or such fractional part thereof, as may be provided by law, of any legal subdivision of the State, under such conditions and in such manner and within such time as may be provided by law, may initiate any desired legislation and cause the same to be submitted to a vote of the people of said legal subdivision for approval or rejection, or may require any law or ordinance passed by the law-making body of said legal subdivision to be submitted to the voters thereof before such law or ordinance shall take effect. [Amendment adopted Nov. 6, 1900.]

SECTION 22. *Enacting Clause. Passage and amendments of law.* The enacting clause of every law shall be, "Be it enacted by the Legislature of the State of Utah." Except such laws as may be passed by the vote of the electors as provided in subdivision 2, section 1 of this article, and such laws shall begin as follows : "Be it enacted by the people of the State of Utah." No bill or joint resolution shall be passed, except with the assent of the majority of all the members elected to each house of the Legislature, and after it has been read three times. The Vote upon the final passage of all bills shall be by yeas and nays ; and no law shall be revised or amended by reference to its title only ; but the act as revised, or section as amended, shall be re-enacted and published at length. [Amendment adopted Nov. 6, 1900.]

ARTICLE X

SECTION 6. *Separate control of city schools.* In cities of the first and second class the public school system shall be controlled by the Board of Education of such cities, separate and apart from the counties in which said cities are located. [Amendment adopted Nov. 6, 1900.]

ARTICLE XIII

SECTION 3. *Legislature to provide uniform tax. Exemptions.* The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the State, according to its value in money, and shall prescribe by general law such regulations as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property: provided that a deduction of debits from credits may be authorized: Provided further, that the property of the United States, of the State, counties, cities, towns, school districts, municipal corporations and public libraries, lots with the buildings thereon used exclusively for either religious worship or charitable purposes, and places of burial not held or used for private or corporate benefit, shall be exempt from taxation. Ditches, canals, reservoirs, pipes and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purpose. Provided further, that the taxes of the indigent poor may be remitted or abated at such time and in such manner as may be provided by law. [Amendment adopted Nov. 6, 1900.]

ARTICLE X

SECTION 2. *Public school system. Maintenance.* The public school system shall include kindergarten schools, common schools, consisting of primary and grammar grades, High Schools, an Agricultural College, a University, and such other schools as the Legislature may establish. The common schools shall be free. The other departments of the system shall be supported as provided by law. Provided, that High Schools may be maintained free in all cities of the first and second class now constituting school districts, and in such other cities and districts as may be designated by the Legislature. But where the proportion of school monies apportioned or accruing to any city or district shall not be sufficient to

maintain all the free schools in such city or district, the High School shall be supported by local taxation, Provided, That when any cities or districts shall establish High Schools, the Legislature may authorize the use of State school funds to assist in supporting such schools, said funds being apportioned to the cities or districts concerned, by the State Board of Education. [The above amendment was adopted Nov. 6, 1906.]

AMENDMENT TO SECTION 2 OF ARTICLE X

SECTION 2. *Defining what shall constitute the public school system.* The public school system shall include kindergarten schools ; common schools, consisting of primary and grammar grades ; high schools, an agricultural college ; a university ; and such other schools as the Legislature may establish. The common schools shall be free. The other departments of the system shall be supported as provided by law. (Amendment adopted November 8th, 1910.)

ARTICLE XIII

SECTION 3. *Legislature to provide uniform tax. Exemptions.* The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the State, according to its value in money, and shall prescribe by general law such regulations as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property ; Provided, that a deduction of debits from credits may be authorized : Provided further, that the property of the United States, of the State, counties, cities, towns, school districts, municipal corporations and public libraries, lots with the buildings thereon used exclusively for either religious worship or charitable purposes, and places of burial not held or used for private or corporate benefit, shall be exempt from taxation. Ditches, canals, reservoirs, pipes and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed as long as they shall be owned and used exclusively for such purpose : Provided further, that mortgages upon both real and personal property shall be exempt from taxation : Provided further, that the taxes of the indigent poor may be remitted or abated at such time and in such manner as may be provided by law. [The above amendment was adopted Nov. 6th, 1906.]

SECTION 12. *Stamp, income, license or franchise tax permissible.* Nothing in this Constitution shall be construed to prevent the Legislature from

providing a stamp tax, or a tax based on income, occupation, licenses or franchises. [The above Amendment was adopted Nov. 6th, 1906.]

SEC. 4. *Taxation of mines and mining property.* All mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, lead, coal or other valuable mineral deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor, unless the surface ground, or some part thereof, of such mine or claim, is used for other than mining purposes, and has a separate and independent value for such other purposes; in which case said surface ground, or any part thereof, so used for other than mining purposes, shall be taxed at its value for such other purposes, as provided by law; and all the machinery used in mining, and all property and surface improvements upon or appurtenant to mines and mining claims, which have a value separate and independent of all such mines or mining claims and the net annual proceeds of all mines and mining claims, shall be taxed by the State Board of Equalization. [Amendment adopted Nov. 3rd, 1908.]

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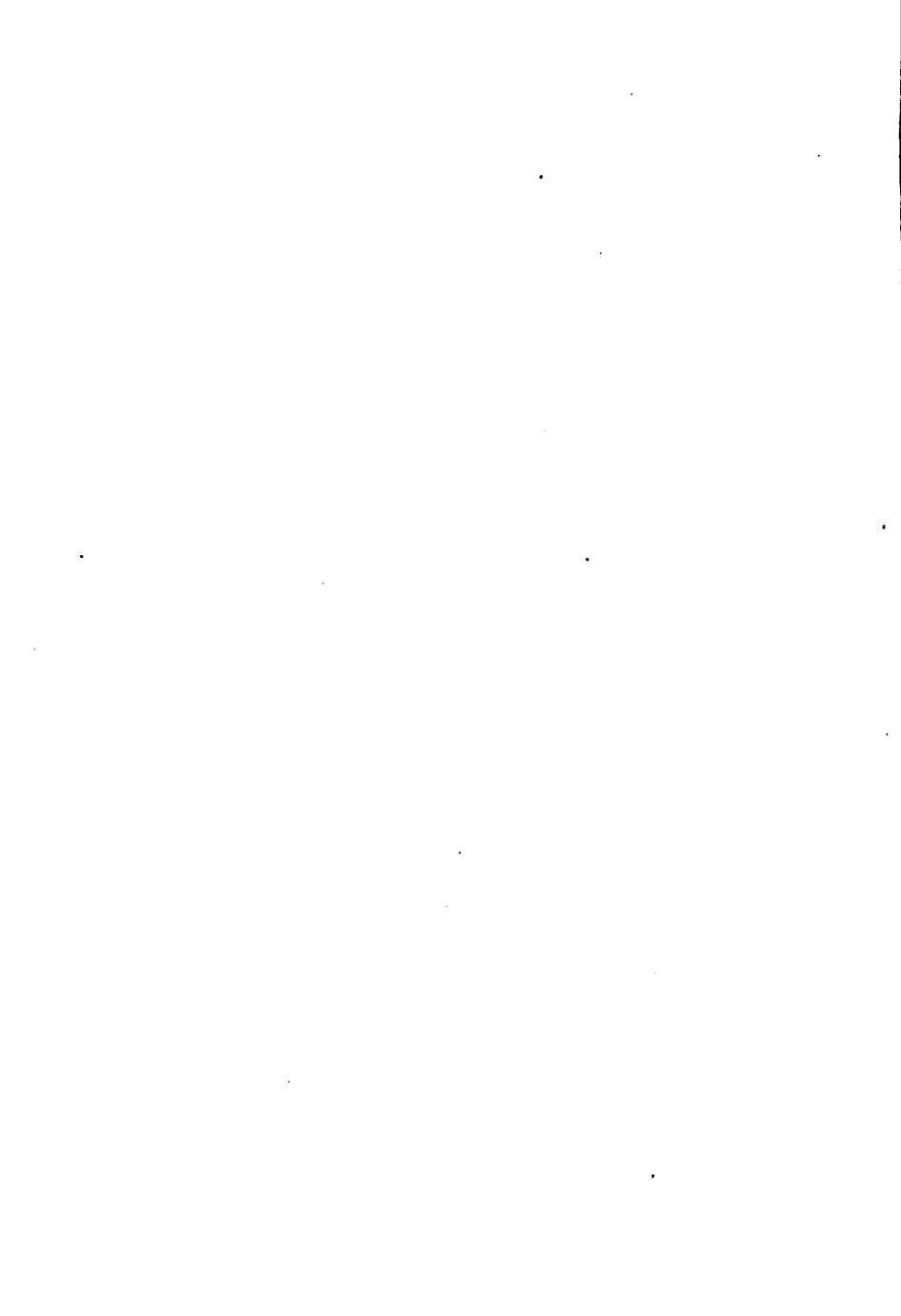
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